

CITY OF AUBURN HILLS

OAKLAND COUNTY,
MICHIGAN

OFFICIAL ZONING MAP

- R-1A - ONE FAMILY RESIDENTIAL
- R-1B - ONE FAMILY RESIDENTIAL
- R-1C - ONE FAMILY RESIDENTIAL
- R-1 - ONE FAMILY RESIDENTIAL
- R-2 - ONE FAMILY RESIDENTIAL
- R-3 - ONE FAMILY RESIDENTIAL
- R-4 - ONE FAMILY RESIDENTIAL
- RM-1 - MULTIPLE FAMILY (LOW RISE)
- RM-2 - MULTIPLE FAMILY (LOW RISE)
- RM-3 - MULTIPLE FAMILY (LOW RISE)
- MHP - MOBILE HOME PARK
- O - OFFICE
- B-1 - LIMITED BUSINESS
- B-2 - GENERAL BUSINESS
- I-1 - LIGHT INDUSTRIAL
- I-2 - GENERAL INDUSTRIAL
- I-3 - HEAVY INDUSTRIAL
- T&R - TECHNOLOGY & RESEARCH
- SP - SPECIAL PURPOSE
- P - P.U.D OVERLAY
- PL - PUBLIC LAND
- D - DOWNTOWN
- LF-5 - LANDFILL BUSINESS
- LF-11 - LANDFILL RECREATIONAL
- FLOODPLAIN

I, LAURA PIERCE, CLERK OF THE CITY OF AUBURN HILLS, DO HEREBY CERTIFY THAT THIS MAP IS A TRUE COPY OF THE ZONING MAP ADOPTED BY THE CITY COUNCIL OF THE CITY OF AUBURN HILLS ON THE 16th. DAY OF DECEMBER, 1985, A.D. AND ALL SUBSEQUENT AMENDMENTS ADOPTED AS OF OCTOBER 21, 2015.

Laura M Pierce
LAURA PIERCE, CLERK
CITY OF AUBURN HILLS

2,000 0 2,000 4,000 Feet

0.25 0 0.25 0.5 Miles

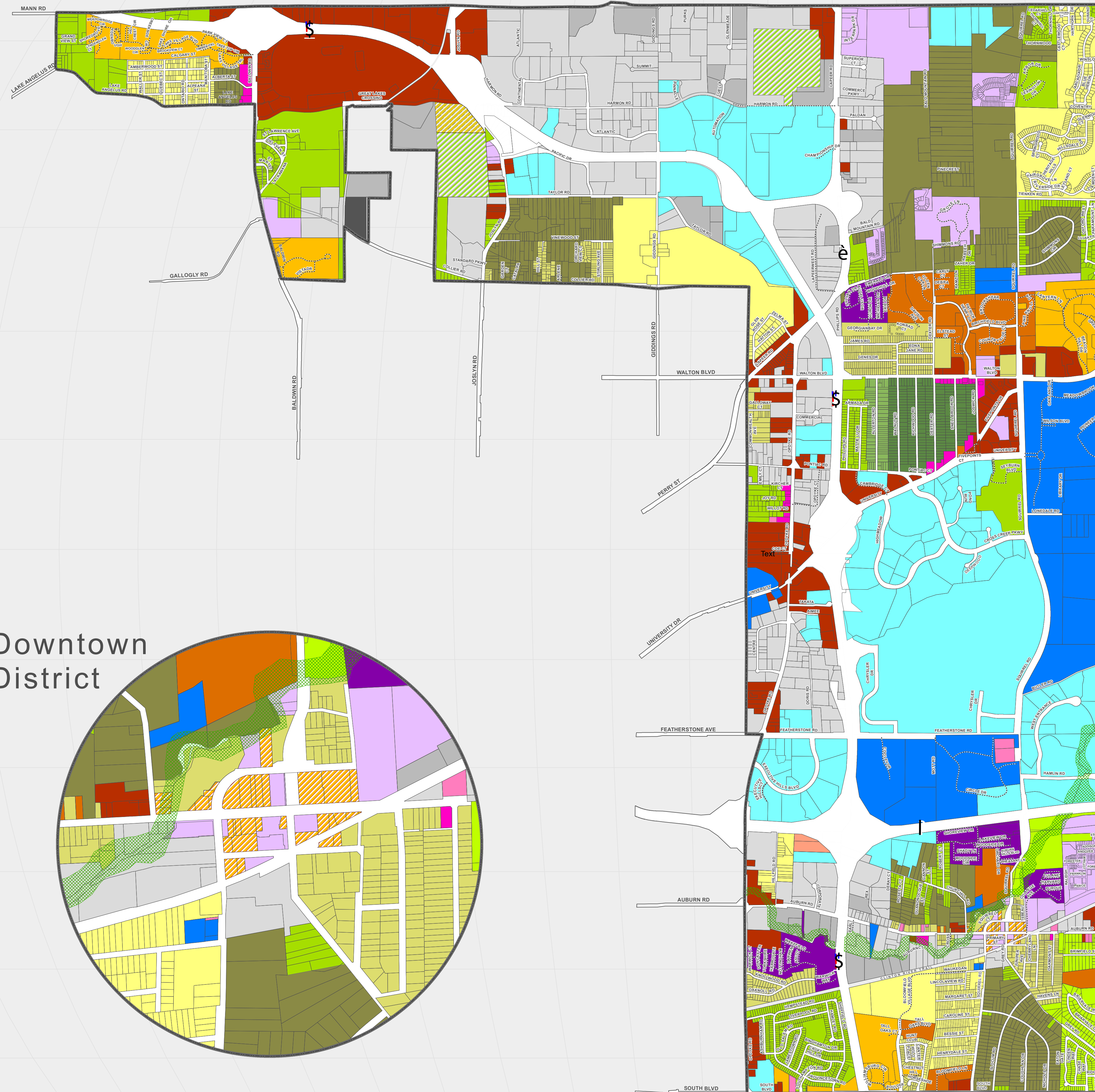


34000 PLYMOUTH ROAD
LIVONIA, MI 48150
734.522.6711
734.522.6427 (fax)

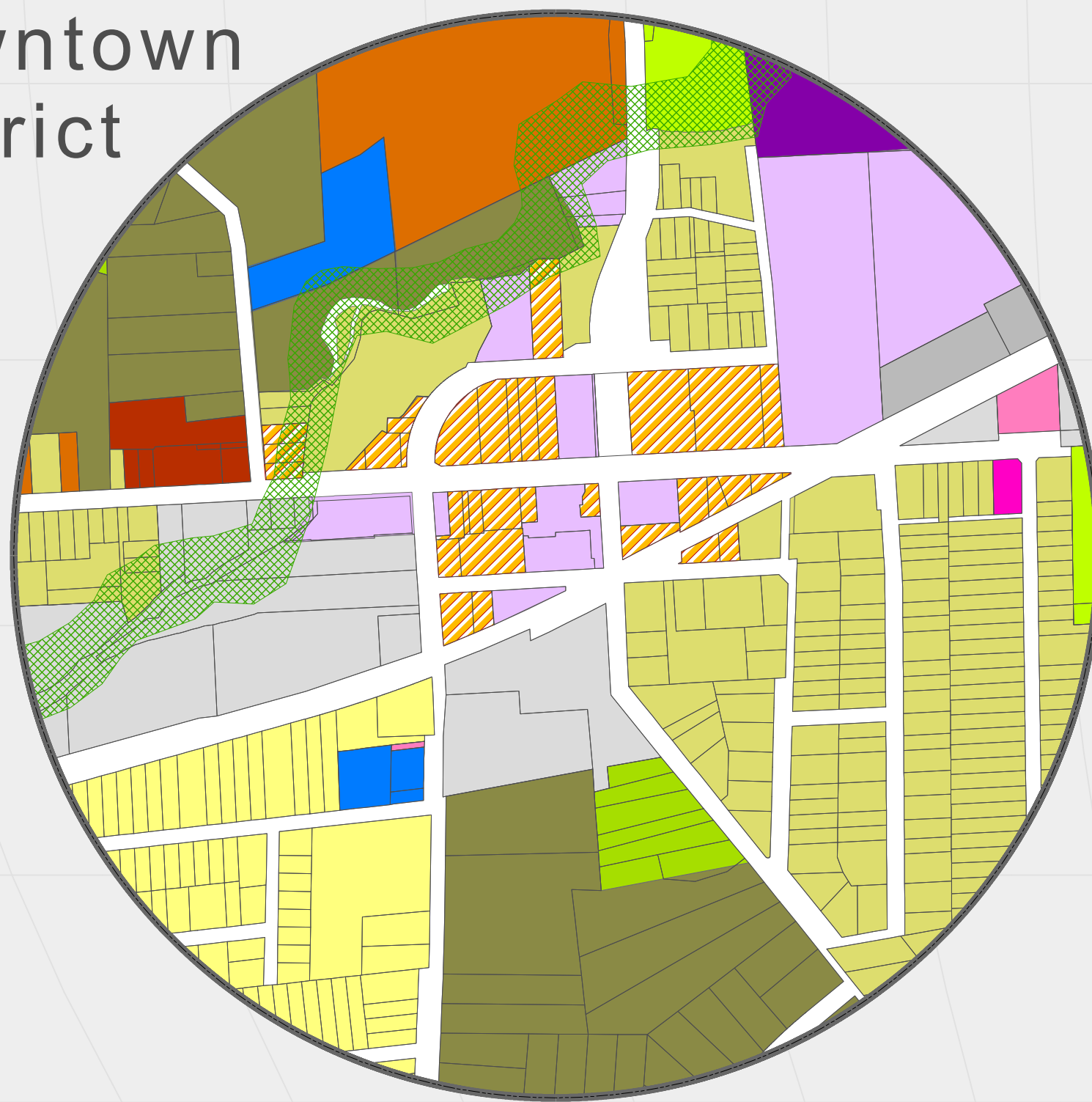
Data provided by OHM and the Oakland County Information Technology Department. OHM does not warrant the accuracy of the data and/or the map. This document is intended to depict the approximate spatial location of the mapped features within the City and all use is strictly at the user's own risk.

PUBLISHED 5/30/2019

Coordinate System: Michigan South NAD 83 International Feet



Downtown District



**City of Auburn Hills
Oakland County, Michigan**

**ZONING ORDINANCE
NO. 372**

PUBLIC HEARING:	December 5, 1985
ADOPTED:	December 16, 1985
EFFECTIVE DATE:	December 19, 1985
LAST AMENDED:	November 15, 2021

**City of Auburn Hills
Oakland County, Michigan**

List of Officials

City Council

Mayor Kevin McDaniel
Mayor Pro Tem Robert Kittle
Timothy Carrier
Eugene Hawkins, III
Henry Knight
Brian Marzolf
Cheryl Verbeke

Planning Commission

Chairperson Gregory Ouellette
Vice-Chairperson, Sam Beidoun
Secretary, Laura Ochs
Chauncey Hitchcock
Robert Pierce
Brian Marzolf
Raymond Saelens
Carolyn Shearer

City Manager

Thomas A. Tanghe

Legal Council

Secrest, Wardle, Lynch, Hampton, Truex & Morley, P.C.
Derk W. Beckerleg, Esq.

Director of Community Development

Steven J. Cohen, AICP

City Planner

Shawn Keenan, AICP

Building Official

Jeffrey A. Spencer

**TEXT AMENDMENTS TO ZONING ORDINANCE NO. 372
(5-86 thru 3-92)**

Ordinance Number	General Description <i>(Not Intended to be Comprehensive)</i>	Adoption Date	Effective Date
389	<u>Schedule of Regulations</u> (Multiple family lot area and floor area)	4-21-86	5-01-86
392	<u>General Provisions</u> (Off-street parking requirements)	6-16-86	6-26-86
393	<u>General Provisions</u> (Site plan review – conditional approval)	7-07-86	7-17-86
433	<u>Definitions and Mobile Home Park District</u> (Various amendments related to mobile homes)	11-23-86	12-08-87
449	<u>Definitions and General Provisions</u> (Parking and storage of commercial vehicles and prohibit the outside storage of junk vehicles)	10-17-88	10-26-88
455	<u>T&R District</u> (Various amendments)	3-06-89	3-14-89
458	<u>General Provisions</u> (Off-street parking requirements)	2-20-89	3-07-89
459	<u>B-1 District</u> (Retail uses)	2-20-89	3-07-89
460	<u>Definitions and SP District</u> (Covalescent homes and senior citizen congregate care facilities)	3-20-89	3-28-89
461	<u>B-2 District</u> (Shopping centers over 600,000 sq. ft.)	3-20-89	3-28-89
475	<u>B-1, B-2, I-1, I-2, I-3, and General Provisions</u> (Numerous items)	1-08-90	1-16-90
479	<u>I-1, I-2, Section 401, Schedule of Regulations, and General Provisions</u> (Restaurants with drive-thru, used car sales, duplex unit requirements, satellite dishes, etc.)	3-05-90	3-13-90
490	<u>Schedule of Regulations</u> (Front yard setbacks in R-1, R-2, and R-3 Districts)	11-19-90	12-04-90
491	<u>B-2 District</u> (Auburn Heights Central Business Area)	1-07-91	2-12-91
492	<u>Various Sections of the Zoning Ordinance</u> (Buildings exceeding 30 ft. in height are SLU, multiple family density and unit mix, wetlands definition, industrial parking standards, restaurants with drive-thru, etc.)	12-17-90	1-22-91
496	<u>I-1, I-2, and General Provisions</u> (Regulation and performance standards for stamping plants and stamping operations)	3-04-91	3-19-91
500	<u>I-2 District, Schedule of Regulations, and General Provisions</u> (SLU's in I-1 are SLU's in I-2, lot size for mutiple family structure, gross density for mutiple family, site condominiums, billboards, etc.)	7-1-91	7-11-91
501	<u>General Provisions</u> (Billboards)	7-30-91	8-07-91
507	<u>I-1 District</u> (Small office buildings in I-1 District as SLU)	10-07-91	10-15-91
509	<u>RM-1, RM-2, and RM-3 Districts</u> (Covalescent homes and senior citizen congregate care facilities as SLU)	11-11-91	12-02-91
515	<u>SP District and Schedule of Regulations</u> (Requirements for elderly housing)	2-24-92	3-03-92

TEXT AMENDMENTS TO ZONING ORDINANCE NO. 372
(4-92 thru 12-98)

Ordinance Number	General Description <i>(Not Intended to be Comprehensive)</i>	Adoption Date	Effective Date
519	<u>B-1, B-2, I-1, and I-2 Districts</u> (Retail uses and outside seating regulations)	4-20-92	4-28-92
523	<u>Multiple Family District, SP District, and Definitions</u> (Requirements for elderly housing)	8-10-92	8-21-92
539	<u>I-1 District</u> (Add automobile laundry)	4-05-93	4-13-93
542	<u>General Provisions and Definitions</u> (Signs)	5-24-93	6-04-93
545	<u>General Provisions</u> (Landscape section – 25% greenspace for B-1 and high quality landscape plan provision)	7-26-93	8-11-93
548	<u>General Provisions</u> (Regulation of signs for the sale or rental of property)	10-18-93	10-29-93
551	<u>B-1 District</u> (Add regulations for funeral homes)	4-18-94	4-28-94
564	<u>Various Sections of the Zoning Ordinance</u> (Parking lane widths, parking requirements for various uses, greenbelts, lot coverage, site condominiums, pathway requirement, B-1 and B-2 buildings over 30 feet in height, waste storage receptacles, restaurants with drive-thru require 1½ acres, handicapped parking, exterior lighting, frontage landscaping, etc.)	1-30-95	2-10-95
569	<u>General Provisions, Definitions, Administration</u> (Nuisance, roadside stands, and boundary setbacks)	2-27-95	3-05-95
572	<u>Definitions and SP District</u> (Definition of R.O.W. and ingress/egress to elderly facility must be to R.O.W not less than 100 ft.)	3-20-95	3-26-95
586	<u>General Provisions</u> (Regulation of roof-top signs)	2-19-96	2-29-96
597	<u>General Provisions</u> (Add Planned Unit Development section)	9-03-96	9-12-96
603	<u>B-2, I-1, I-2, and I-3 Districts and Definitions</u> (Regulation of wireless communication facilities)	1-20-97	1-30-97
604	<u>General Provisions</u> (Amend Planned Unit Development section)	1-20-97	1-30-97
612	<u>General Interpretation and Exceptions</u> (Allow wireless communication facilities to be located on City property in any zoning district)	9-08-97	9-18-97
613	<u>General Provisions</u> (Uses compelled by State or Federal law where the City is obligated to make a reasonable accomodation)	9-08-97	9-16-97
614	<u>Various Sections of the Zoning Ordinance</u> (Definitions for acre and setback, amend auto laundries in B-2, add wireless communication facilities in B-2, amend Auburn Heights Business District, hotel site size, setbacks in T&R, amend restaurants with drive thru, site plan criteria, etc.)	10-06-97	10-30-97
625	<u>General Provisions</u> (Storage of building materials on construction site)	4-20-98	4-30-98
628	<u>B-2 District, Schedule of Regulations, General Provisions</u> (Resturants with drive thru, mural signs in large shopping centers, valet or bus parking as SLU, satellitte dishes, etc.)	6-1-98	6-11-98
637	<u>General Intrepretations and Exceptions</u> (Posting of property for rezoning)	11-16-98	12-03-98

TEXT AMENDMENTS TO ZONING ORDINANCE NO. 372
(3-00 thru 3-03)

Ordinance Number	General Description <i>(Not Intended to be Comprehensive)</i>	Adoption Date	Effective Date
658	<u>T&R District</u> (Various amendments)	3-06-00	3-16-00
661	<u>General Provisions</u> (Amend Planned Unit Development section)	5-15-00	6-1-00
666	<u>General Provisions</u> (Amend Signs section relating to billboards)	8-07-00	8-16-00
672	<u>General Provisions</u> (Amend loading/unloading area and trash enclosure location for parcels with multiple road frontages)	2-19-01	3-01-01
673	<u>Schedule of Regulations, Zoning Districts and Map</u> (Add the R-1A District)	5-07-01	5-24-01
684	<u>O, B-1 Districts and Schedule of Regulations</u> (Comprehensive amendments to the O and B-1 Districts)	7-09-01	7-26-01
685	<u>General Provisions</u> (Amend Planned Unit Development section – make PUD's a two step review process)	8-27-01	9-13-01
687	<u>General Provisions</u> (Amend Signs section relating to signage in the B-1 District)	11-26-01	12-06-01
689	<u>One-Family Residential District</u> (Add the R-1A, Open Space Development Option)	2-04-02	2-14-02
690	<u>General Provisions</u> (Amend landscape section)	2-04-02	2-14-02
696	<u>Schedule of Regulations</u> (Amend the side yard setbacks in R-1A District from 5 ft. to 7½ ft.)	5-06-02	5-21-02
699	<u>General Provisions</u> (Amend Signs section removing 50 ft. pole signs)	6-17-02	7-26-02
706	<u>Definitions and General Provisions</u> (Amend Signs section adding large format temporary wall murals)	11-11-02	11-21-02
707	<u>Schedule of Regulations</u> (Not allowing buildings over 30 ft. as SLU if adjacent to residential, adding wetland setback, allow churches and schools to exceed 30 ft. as SLU, etc.)	11-11-02	11-21-02
708	<u>General Provisions</u> (Amend exterior lighting standards)	11-11-02	11-21-02
709	<u>General Provisions</u> (Amend waste receptacle standards)	11-11-02	11-21-02
710	<u>B-2 District</u> (Various amendments)	11-11-02	11-21-02
711	<u>General Provisions</u> (Add Wireless Communication Facilities section / allow co-location as administrative review)	11-11-02	11-21-02
712	<u>T&R, I-1, I-2, and I-3 Districts</u> (Various amendments)	11-11-02	11-21-02
714	<u>General Provisions</u> (Add Citizen Participation Requirements)	1-06-03	1-15-03
715	<u>One-Family Residential District</u> (Add state mandated Open Space Preservation Option)	1-06-03	1-15-03
716	<u>Schedule of Regulations</u> (Amend Wetland/Watercourse Buffer Requirement)	3-03-03	3-08-03

TEXT AMENDMENTS TO ZONING ORDINANCE NO. 372
(3-03 thru 7-06)

Ordinance Number	General Description <i>(Not Intended to be Comprehensive)</i>	Adoption Date	Effective Date
717	<u>One-Family Residential District</u> (Amend definition of net acreage for maximum unit density in the R-1A District)	3-03-03	3-08-03
718	<u>General Provisions</u> (Add fee in lieu of parking in the Auburn Heights Central Business Area)	3-03-03	3-08-03
719	<u>B-2 District</u> (Amend parking requirements in the Auburn Heights Central Business Area)	3-03-03	3-08-03
720	<u>General Provisions</u> (Extend public notification requirement to 1,000 ft.)	3-03-03	3-08-03
726	<u>T&R District</u> (Add banks and credit unions as SLU)	10-06-03	10-12-03
737	<u>VC, Village Center District</u> Amend Article III, Add new VC District, Amend Schedule of Regulations	7-12-04	7-20-04
738	<u>General Provisions</u> (Amend Changeable Copy Sign Regulations)	7-12-04	7-20-04
740	<u>Civil Infractions</u> (Amend Definitions and Article XX. Administration)	8-09-04	8-11-04
743	<u>VC, Village Center District</u> (Amended landscaping, signs, parking requirements, setbacks, etc. in district)	11-22-04	11-30-04
745	<u>B-2 District</u> (Remove the Auburn Heights Central Business Area)	1-24-05	1-28-05
746	<u>One-Family Residential Districts</u> (Removed reference to Duplexes and Site Condominium Density)	1-24-05	1-28-05
747	<u>Section 1829</u> (Amended Condominium Regulations)	1-24-05	1-28-05
748	<u>Sections 1804 and 1805</u> (Reworked parking requirements and reduced parking space and maneuvering lane size)	1-24-05	1-28-05
749	<u>Definitions, One-Family Residential, Schedule of Regulations</u> (Added R-1B and R-1C Districts)	4-04-05	4-26-05
755	<u>Revised Administrative Review for Wireless Communication Facilities</u>	7-11-05	7-15-05
756	<u>Amendment to Commercial Kennel and Add Doggy Day Care Facilities</u>	8-01-05	8-05-05
759	<u>Section 902 - Relating to Wireless Communication Facilities</u>	9-19-05	9-27-05
760	<u>Section 1811 – Political Signs</u>	10-03-05	1-26-06
763	<u>Section 1808 – Landscape Standards</u>	11-14-05	11-20-05
772	<u>Section 1700 – Schedule of Regulations</u> (remove loading area requirement for small office buildings and clarify building setback adjacent to properties zoned One-Family Residential district)	3-20-06	3-28-06
773	<u>Section 1825. Waste Receptacle and Compactor Enclosures</u> (Require enclosure gates and dumpster lids to be shut when not in use)	3-20-06	3-26-06
779	<u>B-2, SP, and I-1 Districts</u> (Add churches and places of worship as SLU permit)	5-15-06	5-20-06
784	<u>Section 1815, Section 1818, and Article XXI</u> (Relating to public notification requirements)	7-24-06	8-28-06

TEXT AMENDMENTS TO ZONING ORDINANCE NO. 372
(11-06 thru Present)

Ordinance Number	General Description <i>(Not Intended to be Comprehensive)</i>	Adoption Date	Effective Date
789	<u>Section 1813. Storage of Vehicles, Machinery, and Like Items.</u> (New standards for RV storage / Approved surface)	11-13-06	11-21-06
794	<u>Fences, Hedges, Berms, and Walls in Residential Districts</u> (Sections 1904 and 1701(e))	12-18-06	12-27-06
795	<u>I-1 Light Industrial Districts</u> (Self-Storage Facilities)	1-22-07	2-01-07 and 2-12-07
799	<u>Section 1811. Signs</u>	4-02-07	4-13-07
800	<u>Schedule of Regulations</u> (Setbacks and greenbelts for parcels less than one acre in B-2 Districts)	4-02-07	4-13-07
801	<u>Section 1821. Temporary Events and Section 2003. Temporary Roadside Stands</u>	6-04-07	9-06-07
808	<u>Section 1908. Posting of Property for Development</u>	6-16-08	6-18-08
809	<u>Section 1833. Citizen Participation Requirements</u>	8-04-08	8-12-08
811	<u>Section 1811. Signs</u> (Changeable Copy Signs)	11-17-08	11-24-08
815	<u>Article XI-A – Downtown District</u>	3-16-09	3-20-09
819	<u>I-3, Heavy Industrial District</u> (Commercial Composting Operations)	8-17-09	8-21-09
820	<u>Definitions and B-2 District</u> (Medical Marihuana Dispensaries)	8-17-09	8-21-09
821	<u>Article XXI. Zoning Board of Appeals</u>	8-17-09	8-21-09
822	<u>Article III. Zoning Districts and Map</u> (Add D, Downtown District)	8-17-09	8-21-09
823	<u>B-2, General Business Districts</u> (Amended Outside Seating Requirements)	11-23-09	12-01-09
824	<u>Section 1830. Planned Unit Development Option</u>	12-15-09	12-28-09
827	<u>Section 1811. Signs</u> (Amend Large Format Wall Mural standards)	3-15-10	3-19-10
829	<u>B-2, General Business Districts</u> (revise the City's zoning regulations for planned shopping centers over 600,000 square feet in size)	4-19-10	4-22-10
830	<u>Section 1801. Scope and Resind Ordinance 820</u> (medical marihuana)	10-04-10	10-11-10
836	<u>Section 1834. Electric Vehicle Infrastructure</u>	7-11-11	7-13-11
851	<u>Holiday Sales</u> (Section 2003. Permits to Add Regulations for Holiday Sales Lots)	9-10-12	9-14-12
852	<u>Large Format Wall Signs</u> – Signs 1811	9-10-12	9-14-12
853	<u>Holiday Sales</u> (Section 2003. Permits to Add Regulations for Holiday Sales Lots - revised)	2-04-13	2-12-13 and 5-01-13
854	<u>Schedule of Regulations</u> (Increased Industrial Building Heights)	3-04-13	3-12-13
859	<u>Oil and Gas Wells</u> – Section 1835 (Also, amended I-1, I-2, and I-3 districts to reference use)	4-21-14	4-23-14
860	<u>Oil and Gas Wells</u> (Added cash bond and restitution provisions)	9-08-14	9-14-14
864	<u>Section 1811. Signs</u> (Amended automatic changeable copy sign standards)	11-10-14	11-12-14
869	<u>Definitions</u> (Amended accessory building provisions to address shipping containers on residential property)	7-27-15	8-03-15
872	<u>Section 1811. Signs</u> (Amended Billboard requirements)	1-25-16	2-29-16
882(884)	<u>Definitions</u> (Amend definition of basement)	11-28-16	12-05-16
885	<u>One-Family Residential Districts</u> (Amended R-1A Open Space Development Option and added new Section 407 addressing attached units)	2-27-17	3-06-17

TEXT AMENDMENTS TO ZONING ORDINANCE NO. 372
(11-06 thru Present)

Ordinance Number	General Description <i>(Not Intended to be Comprehensive)</i>	Adoption Date	Effective Date
866	<u>Section 1836. Universal Design and Visitability</u>	2-27-17	3-06-17
887	<u>Section 1830. Planned Unit Development Option</u> (Amended criteria for qualification)	2-27-17	3-06-17
894	<u>T&R, Technology and Research Districts</u> (Palace and OCC conforming as SLU, changes to outside side storage rules for FCA)	6-26-17	7-03-17
903	<u>I-1 Light Industrial Districts</u> (OCC/CREST Center conforming as SLU)	6-25-18	7-02-18
913	<u>B-2 and T&R Districts</u> (Restrict new hotels and expansion of existing hotels by only allowing via the PUD option)	2-17-20	2-21-20
918	<u>Section 1813.. Storage of Vehicles, Machinery, and Like Items</u> (Updated standards for commercial vehicles in residential districts, recreational vehicles, and parking of vehicles)	9-28-20	10-05-20
924	<u>Section 2007. Performance</u> City will begin to hold an amount in guarantee sufficient to cover 50% of the total estimated cost of site improvements associated with a project	11-15-21	11-22-21

TABLE OF CONTENTS

<u>Article</u>	<u>Title</u>	<u>Page</u>
I	Title, Preamble, Enacting Clause, and Short Title	1-1
II	Definitions	2-1
III	Zoning Districts and Map	3-1
IV	R-1A, R-1B, R-1C, R-1, R-2, R-3, and R-4, One Family Residential Districts	4-1
V	MHP, Mobile Home Parks	5-1
VI	RM-1 (Low Rise), RM-2 (Low Rise), and RM-3 (High Rise), Multiple Family Residential Districts	6-1
VII	O, Office Districts	7-1
VIII	B-1, Limited Business Districts	8-1
IX	B-2, General Business Districts	9-1
IX-A	D, Downtown Districts	9A-1
X	SP, Special Purpose Districts	10-1
XI	FP, Floodplain Districts	11-1
XII	T&R, Technology and Research Districts	12-1
XIII	I-1, Light Industrial Districts	13-1
XIV	I-2, General Industrial Districts	14-1
XV	I-3, Heavy Industrial Districts	15-1
XVI	LF, Landfill Districts	16-1
XVII	Schedule of Regulations	17-1
XVIII	General Provisions	18-1
XIX	General Interpretations and Exceptions	19-1
XX	Administration and Enforcement	20-1
XXI	Board of Zoning Appeals	21-1
XXII	Repeal of Prior Ordinance	A-1
XXIII	Vested Right	A-1
XXIV	Severance Clause	A-1
XXV	Adoption and Effective Date	A-1

CITY OF AUBURN HILLS OAKLAND COUNTY, MICHIGAN

AN ORDINANCE, enacted under Act 207, Public Acts of 1921, as amended, governing the City of Auburn Hills, Oakland County, Michigan to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and for public and semi-public or other specific uses; and to regulate and limit the height and bulk of buildings, and other structures; to regulate and determine the size of yards, courts, and open spaces; to regulate and limit the density of population; and for said purposes to divide the Municipality into districts and establish boundaries thereof; provide for changes in the regulations, restrictions and boundaries of such districts; define certain terms used herein; to provide for the purchase by condemnation or otherwise of private property which is nonconforming with the terms of this Ordinance; provide for enforcement; establish a Board of Appeals; and impose penalties for the violation of this Ordinance.

PREAMBLE

AN ORDINANCE enacted under the provisions and authority of the Public Acts of the State of Michigan to establish districts and zones within which the use of land and structures, the height, area, size and location of buildings are regulated, and within which districts, zone regulations are established for the light and ventilation of such buildings, and within which districts, density of population is regulated; to provide for the acquisition by purchase, condemnation, or otherwise of private property which does not conform to the regulations and restrictions of various zones or districts provided; to provide for the administering of this Ordinance; to provide for amendments, supplements, or changes hereto; all in accordance with an adopted Master Land Use Plan as provided in Act 285 of the Public Acts of 1931, the Municipal Planning Act.

ENACTING CLAUSE

The City of Auburn Hills Ordains:

ARTICLE I SHORT TITLE

SECTION 100. SHORT TITLE:

This Ordinance shall be known and may be cited as the **City of Auburn Hills Zoning Ordinance**.

ARTICLE II DEFINITIONS

For the purposes of this Ordinance, certain terms, or words used herein shall be interpreted as follows: All words used in the present tense shall include the future; all words in the singular number include the plural number and all words in the plural number include the singular number; and the word 'building' includes the word 'structure', and the word 'dwelling' includes 'residence'; the word 'person' includes 'corporation', 'association', as well as an 'individual'; the word 'shall' is mandatory and the word 'may' is permissive; the word 'lot' includes the words 'plot' or 'parcel'; the words 'used' or 'occupied' includes the words 'intended', 'designed' or 'arranged to be used or occupied'. Terms not herein defined shall have the meaning customarily assigned to them in the Webster New Collegiate Dictionary.

Accessory Building: A subordinate building, the use of which is clearly incidental to that of the main building or to the use of the land. For purposes of clarification, shipping/cargo containers, railroad cars, converted mobile homes, bus bodies, vehicle bodies and similar prefabricated items and structures originally built for purposes other than the storage of goods and materials are not accessory buildings and are not accessory structures and are prohibited from being located on residential property and/or being utilized for storage on residential property unless specifically authorized in the Zoning Ordinance.

(Amended: 7-27-15 per Ordinance No. 869)

Accessory Use, or Accessory: A use which is clearly incidental to, customarily found in connection with and, unless otherwise specified, located on the same zoning lot as the principal use to which it is related. When 'accessory' is used in this Ordinance, it shall have the same meaning as accessory use.

Acre (Net): A parcel of land forty-three thousand five hundred and sixty (43,560) square feet in area exclusive of area under water and exclusive of area within the right-of-way requirements as adopted by the City of Auburn Hills, Board of Oakland County Road Commissioners, and Michigan Department of Transportation.

Acre, (Gross): A parcel of land forty-three thousand five hundred and sixty (43,560) square feet in area including all the area within the legal description of the parcel, and the area within the right-of-way as adopted by the City of Auburn Hills, Board of Oakland County Road Commissioners, and Michigan Department of Transportation

Adult Bookstore: An establishment wherein more than twenty (20%) percent of its stock in trade is comprised of books, magazines, and other periodicals having as dominant theme matter, depicting, describing or relating to 'Specified Sexual Activities' or 'Specified Anatomical Areas' as defined in this Article, or an establishment with a segment or section devoted to the sale or display of such material.

Adult Motion Picture Theater: The use of property commercially for displaying materials a significant portion of which include matter depicting, describing or presenting specified sexual activities for observation of patrons.

1. 'Significant Portion' As used in the definition of adult motion picture theater, the phrase Significant Portion shall mean and include either or both of the following:
 - A. Any one or more portions of the display having a duration in excess of five (5) minutes; and/or
 - B. The aggregate of portions of the display having a duration equal to ten (10%) percent or more of the single display as a whole.
2. 'Specific Sexual Activities' The explicit display of one or more of the following:
 - A. Human genitals in a state of sexual stimulation or arousal;
 - B. Acts of human masturbation, sexual intercourse or sodomy; or
 - C. Fondling or other erotic touching of human genitals, pubic region, buttock or breast.

Agriculture: Any use of substantially undeveloped land, of five (5) acres or more in size, for the production of plants and animals useful to man, including forages and sod crops, grains and feed crops, dairy and dairy products; livestock, including breeding and grazing; fruits; vegetables; Christmas trees; and other similar uses and activities.

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

Alterations: Any change, addition, or modification to a structure or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as 'altered' or 'reconstructed'.

Antenna: The arrangement of wires or metal rods used in the sending and receiving of electromagnetic waves.

Antenna Support Structures: Any structure, mast, pole, tripod, or tower utilized for the purpose of supporting an antenna or antennas for the purpose of transmission or reception of electromagnetic waves by Federally licensed radio amateurs.

Antenna Height: The overall vertical length of the antenna support structure above grade, or if such system is located on a building, then the overall length includes the building upon which the structure is mounted.

Apartments: A residential structure containing three (3) or more attached one (1) family dwellings.

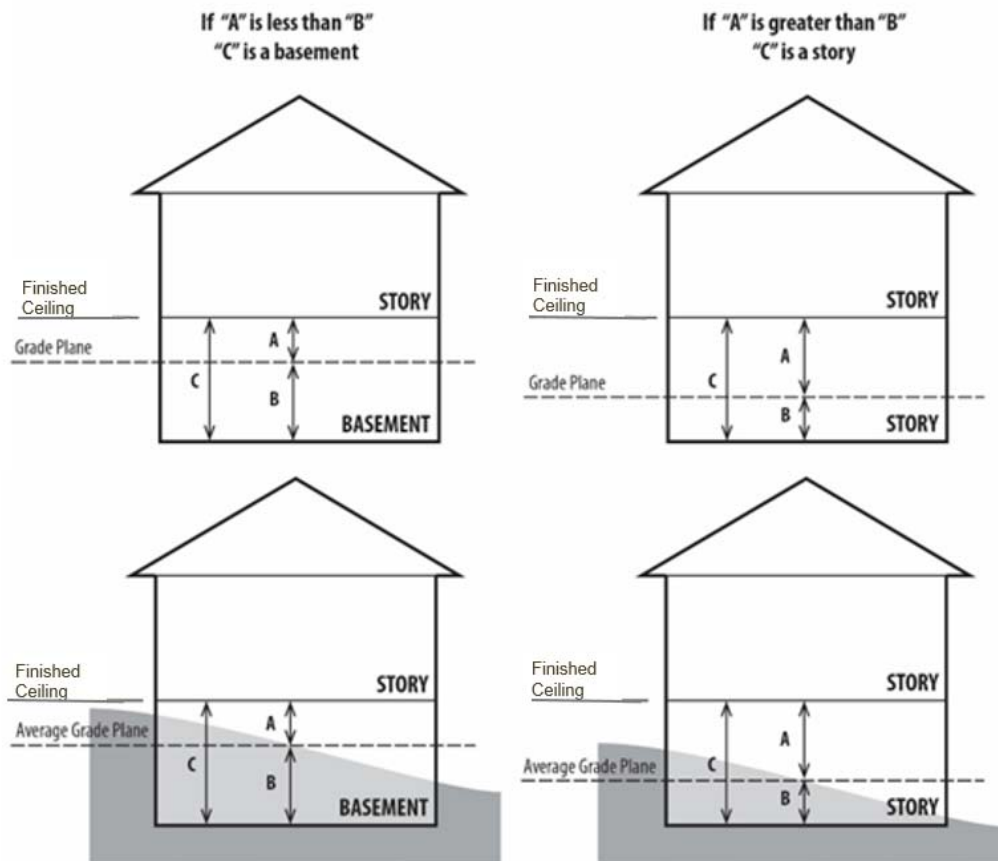
Ashes: The residue from the burning of wood, coal, coke or other combustible materials.

Automobile Dealership: A place where automobiles, vans, trucks, and similar vehicles are sold, and where service may be carried out for minor repair and servicing, and where bumping and painting is clearly accessory to the use.

Auto Repair or Service Garage: A place where the following activities may be carried out: vehicle body repair, component rebuilding or repair, undercoating, painting, tire recapping, upholstery work and auto glass work.

Automotive Service Center: A place where automobile service may be carried out for minor repair and servicing of automobiles, together with the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, and only when the location of such automotive service center is architecturally designed and located on the site so as to become an integral part of a larger planned shopping center complex.

Basement: That portion of a building having more than one-half of its height below grade. A basement shall not be counted as a story. *(Amended: 11-28-16 per Ordinance No. 884)*



Berm: A mound of soil piled in such a fashion as to be utilized for screening or transition purposes.

Billboard: Any freestanding structure or portion thereof designed or intended to be used for the posting, painting, or otherwise affixing any sign, whether such sign is accessory or non-accessory, whether such sign is rented for remuneration or not, whether or not such sign is periodically changed, and when such sign exceeds more than one hundred and fifty (150) square feet in area.

Board of Appeals: The Board of Zoning Appeals of the City of Auburn Hills.

Boarding House: A dwelling where meals, or lodging and meals, are provided for compensation for three (3) or more persons by pre-arrangement for definite periods. A boarding house shall be distinguished from a hotel.

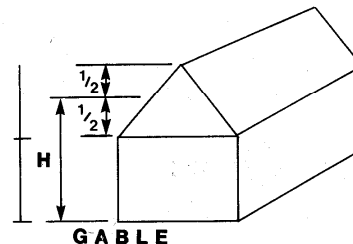
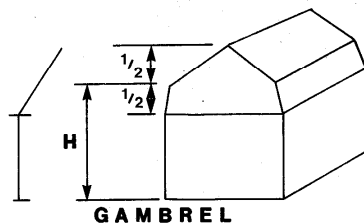
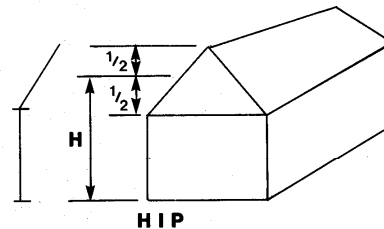
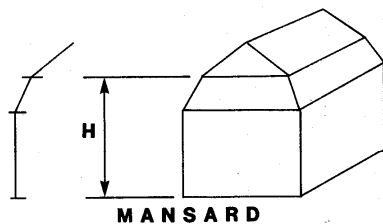
Buffer, Landscaping: The area between the right-of-way and a parking lot or vehicular use area. The intent is not to be a complete screen, but to combine trees, and other landscape elements in a pleasing transition area.

Buildable Land Area: The buildable area of a lot or parcel is the space remaining after yard, parking, or any other requirements of this Ordinance have been met. The buildable area of a lot or parcel for the purpose of density calculations, and habitation by large animals such as horses and cows, shall be that area of the lot or parcel exclusive of land which is within the established floodplain, watercourse, floodway, drainage course, wetland, or any other subaqueous area. In the case of large animals, up to ten percent (10%) of the area within floodplain, watercourse, floodway, drainage course, wetland or any other subaqueous area may be used towards total minimum land area computations. In the case of large animals such as horses and cows, building area shall also be excluded from the land area if more than ten percent (10%) of the buildable area is in buildings for the purpose of this definition and Ordinance.

Building: A structure, either temporary or permanent, having a roof supported by columns, or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind. This shall include tents, awnings, or vehicles situated on private property and used for such purposes.

Building Accessory: A subordinate building, the use of which is clearly incidental to that of the main building or to the use of the land.

Building Height: The vertical distance measured from the established grade of the center of the front of the building to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs; and the average height between the lowest point and the highest point on a shed roof. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.



H = Height of building

Building Height

Building Inspector: The Building Inspector or Official designated by the City Council to inspect.

Building Line: A line formed by the face of the building, and for the purposes of this Ordinance, a building line is the same as a front setback line.

Building, Main or Principal: A building in which is conducted the principal use of the lot on which it is situated.

Bus: A motor vehicle which is designed to carry more than ten (10) passengers and which is used for the transportation of persons and also means a motor vehicle, other than a taxi cab, which is designed and used for the transportation of persons for compensation. The term does not include a school bus or a bus that is equipped and used for living or camping purposes.

Camper Enclosure: A structure or enclosure designed for mounting on a pick-up truck or truck chassis in such a manner as to provide temporary living or sleeping quarters including, but not limited to, a slide-in camper or truck cap.

City Council: The duly elected or appointed City Council of the City of Auburn Hills.

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

Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like, but not for profit.

Commercial Equipment: Any machinery, parts, accessories, construction equipment or other equipment used primarily in the course of conducting a trade or business.

Commercial Use: The use of property in connection with, or for, the purchase, sale, barter, display or exchange of goods, wares, merchandise or personal services and the maintenance or operation thereof of offices or recreation or amusement enterprises.

Commercial Vehicle: A vehicle of the bus, truck, van or trailer-type, which is designed, constructed or used for the transportation of passengers for compensation, the delivery of goods, wares or merchandise, the drawing or towing of other vehicles, or for other commercial purposes. The term includes, but not to the exclusion of any other types not specifically mentioned herein, truck-tractors, semi-trailers, step-vans, dump trucks, tow trucks, pick-up trucks and sedan or panel vans in excess of one-ton capacity used primarily for commercial purposes, and pole trailers.

Conflicting Land Uses: Any situation which results in a residential use abutting any office, commercial, industrial, research, utility, storage, or parking use shall be deemed to be conflicting land uses.

Construction Equipment: A bulldozer, front-end loader, backhoe, power shovel, cement mixer, trencher, and any other equipment designed or used for construction, including parts and accessories thereto, or trailers designed for the transportation of such equipment.

Convalescent Homes and Congregate Care Facilities: The term 'Convalescent Home' and 'Congregate Care Facility' shall mean any structure with sleeping rooms where persons are housed or lodged and are furnished with meals, or with meals, nursing and medical care.

Development: The construction of a new use or building, or other structure on a lot or parcel, the relocation of an existing use or building on another lot or parcel, or the use of acreage or open land for a new use or building.

Disposal: The incineration, long term storage, treatment, or the discharge, deposit, injection, dumping, spilling, leaking, or placing of a waste into or on land or water in a manner that the waste, refuse, industrial solid or other waste, or a constituent of the waste enters the environment, is emitted into the air, or discharged into water, including groundwater.

Disposal Facility: The location, equipment, or facility where wastes, solid waste, refuse, industrial solid or other wastes are disposed of, including a disposal facility associated with, within, or adjacent to facilities generating the waste.

District: A portion of the incorporated part of the City within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Drive-In: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

Drive-In Restaurant: A business establishment for the predominant serving of food and/or beverages, with driveways and approaches so developed and designed so as to serve patrons while in the motor

vehicles and to permit patron self-service for consumption within motor vehicles, as differentiated from a restaurant with indoor seating only, even though the establishment may have some indoor seating.

Drive-Through Restaurant: Establishments where patrons, without leaving their motor vehicles, pick up food to be eaten off the premises or in their cars.

Driveway: For the purposes of this Ordinance a driveway shall mean:

1. Residential - a road or way for the exclusive use of one residence and leading from a residential garage (or parking space accessory to a residential use) to a public or private street which services more than one (1) residence. Only that portion which is intended for the exclusive use of a single family residence shall be considered a driveway.
2. Other than residential - a way for ingress or egress leading from a public or private street to a parking lot or other area accessory to a permitted use(s) in other than residential zoning districts. Any road or way which passes over lands owned, dedicated or deeded to an entity not a part of the development served, shall not be considered a driveway.

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

Dwelling, One-Family: A building designed exclusively for and occupied exclusively by one (1) family.

Dwelling, Two-Family: A building designed exclusively for occupancy by two (2) families, in separate units, and living independently of each other.

Dwelling, Multiple-Family: A building, or portion thereof, designed exclusively for occupancy by three (3) or more families, in separate units, and living independently of each other. (Refer to 'Apartments' definition for dwelling unit types).

Engineer: The registered full time or consulting engineer of the City.

Entrance Ramp: A roadway connecting a feeder road with a limited access road and used for access onto such limited access road.

Erection: Any physical operations on the premises required for construction or moving of and this includes construction, reconstruction, alteration, building, excavation, fill, drainage, installation of utilities and the like.

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

Excavation: Excavation shall mean any breaking of the ground to hollow out by cutting, digging, or removing any soil or rock matter, except for common household gardening and general farm care.

Exit Ramp: A roadway connecting a limited access road with a feeder road and used for access from such limited access road to a feeder road.

Family: For the purposes of this Ordinance a family shall be defined as:

1. An individual or group of two (2) or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one (1) additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or
2. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single non-profit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period, nor shall it include residents of a State licensed residential facility except to the extent required by PA 184 of 1984, as amended.

Family Motion Picture Theater: A family theater is a use of the property commercially for displaying materials to all age groups, or the general public, and are typically advertised as G-general viewing, GP-parental guidance, or R-restricted, as opposed to X-adult (refer to definition of Adult Motion Picture Theater).

Farm: The carrying on of any agricultural activity or the maintaining or raising of livestock, or small animals, as a source of income when conducted on at least five (5) acres or more. In the instance of the

raising for profit of horses, cows, or other large animals that weigh two hundred (200) pounds or over at maturity, the minimum site size shall be five (5) acres, plus one (1) acre for each additional animal. The keeping of a horse, for the purpose of this Ordinance, shall also constitute a farm and require at least two (2) acres for the first horse plus one (1) acre for each additional horse. In no instance shall the keeping of a horse be allowed in subdivisions on platted lots of less than two (2) acres.

Fast Food Restaurant: A self-service or drive-through restaurant which sells food and beverages in disposable containers or wrappers for consumption inside or outside the building, in motor vehicles, or off premises.

Fence: A barrier of fabric or material, and of definite height and location.

Fence, Obscuring: A barrier of sufficient height and location to serve as an obscuring screen or buffer.

Filling: The depositing, removal, redistribution or placement of soil on land in a manner which alters the pre-existing contour or elevation of said land.

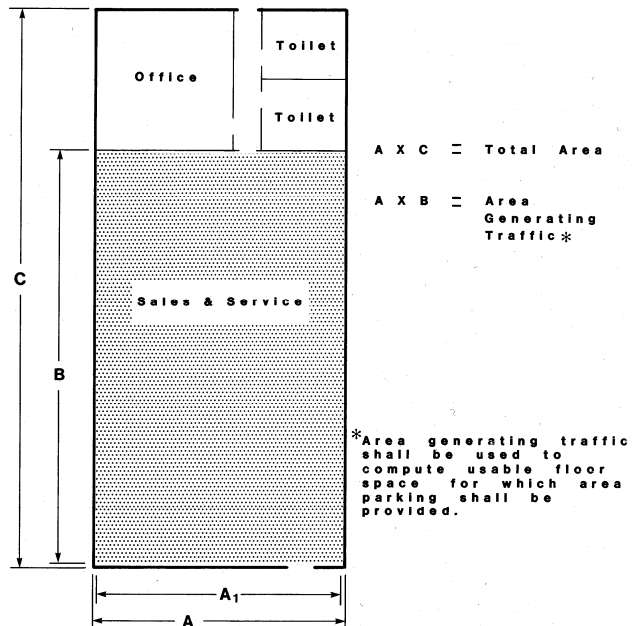
Firearm: An instrument which is capable of propelling a missile by means of exploding or burning powder.

Floodplain: The 'floodplain' shall be herein defined as that area identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Pontiac Township" with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps, hereby adopted by reference and declared to be a part of this Ordinance. This Flood Insurance Study is on file at the City Building Department.

Floor Area (Residential): The floor area of a residential dwelling unit is the sum of the horizontal areas of each story of the building as measured from the exterior walls; exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

1. **Bi-Level:** A house with two (2) levels and no basement, the first floor being partially below grade such that the vertical distance from the average grade to the ceiling is greater than the vertical distance from the average grade to the floor.
2. **Tri-Level:** A house with three (3) levels, the first level being located partially below grade, the second level being located at or slightly above grade, and the third level being located one-half (1/2) level up from the second level and directly over the first level. The first level shall be counted as either a story or a basement depending on its location in relation to the average grade (see definition of basement).
3. **Quad-Level:** A house similar to a tri-level but with the addition of a fourth level. The third level is usually located directly above the first and the fourth level and is usually located directly above the second. The first level shall be counted as either a story or a basement, depending on its location in relation to the average grade (see definition of basement).

Floor Area, Usable: For the purposes of computing parking, usable floor area is all ground and nonground floor area used for, or intended to be used for, the sale of merchandise or services or for the use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, or for utilities, and/or computers shall be excluded from this computation of "Usable Floor Area." For the purposes of computing parking for those uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients, shall be measured to determine necessary parking spaces.



Usable Floor Area

Foster Care Facilities:

1. **Child Foster Family Home:** A private home or residence, other than a hospital, hotel or motel, and which is licensed by the State of Michigan as a full time foster family home pursuant to Public Act 116 of 1973, as amended, for more than two (2), but not more than four (4) minor children who are unrelated to the other occupants thereof and are given care and supervision for twenty-four (24) hours a day for four (4) or more days a week and unattended by a parent or legal guardian, by or under the supervision of Licensee under said State Law.
2. **Child Foster Family Group Home:** A private home or residence, other than a hospital, hotel or motel, and which is licensed by the State of Michigan as a full time foster family home pursuant to Public Act 116 of 1973, as amended, for more than four (4), but less than seven (7) minor children who are unrelated to the other occupants thereof and are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week and unattended by a parent or legal guardian, by or under the supervision of the Licensee under said State Law.
3. **Adult Foster Family Home:** An establishment, other than a hospital, hotel or motel, and which is licensed by the State of Michigan as a full time foster family group home pursuant to Public Act 287 of 1972, as amended, for not more than six (6) adults who are unrelated to the other occupants thereof and are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, by or under the supervision of the Licensee under said State law.

Garage, Private: An accessory building or portion of a main building designated or used solely for the storage of motor driven vehicles, boats and similar vehicles owned and used by the occupants of the building to which it is accessory.

Garbage: Putrescent solid and semi-solid animal or vegetable wastes resulting from the production, handling, preparation, cooking, service or consumption of food or food materials.

Gasoline Service Station: A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, which also may be together with the sale of minor accessories and the servicing of the minor repair of automobiles

Grade: A reference plan representing the average of the finished ground level adjoining the building at all exterior walls.

Greenbelt: A strip of definite width and location reserved for the planting of shrubs, trees or plants to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

Gun Club: Any organization whether operated for profit or not, and whether public or private, which caters to or allows the use of firearms on its property.

Helicopter: A vehicle which essentially can lift off the ground in a nearly vertical direction. This is referred to as 'vertical takeoff or landing' (VTOL).

Heliport: A facility to accommodate the operation of helicopters.

Home Occupation: An occupation or profession customarily carried on by an occupant of a dwelling unit at the dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purpose.

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

Hotel: A series of attached, semi-detached or detached rental units which provide overnight lodging and are offered to the public for compensation.

Housing for the Elderly Facilities: Housing for the elderly projects are those developments which provide living environments limited to senior citizens, as opposed to the general public. Such building shall not contain equipment for surgical care or for the treatment of disease or injury, other than for emergency first-aid care.

Industrial Use: Any land or building occupied or used for purposes allowed in I-1, I-2, and I-3 Districts as permitted in this Ordinance.

Junk Yard: An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A 'junk yard' as differentiated from a vehicular salvage yard, includes an area of more than two hundred (200) square feet for storage, keeping, or abandonment of junk, but does not include uses established entirely within enclosed buildings. (Refer to City of Auburn Hills Junk Yard and Dismantling Ordinance No. 173).

Kennel, Commercial: Any lot or premises on which three (3) or more dogs, six (6) months old or over for sale, breeding, boarding, or training purposes, are either permanently or temporarily boarded for remuneration.

Laboratory: A place devoted to experimental study such as testing and analyzing, but not devoted to the manufacturing of a product or products.

Landscape Elements: Living plant material such as, but not limited to, grass, ground cover, shrubs, vines, hedges, or trees, and non-living, durable material commonly used in landscape development, such as crushed rock, brick, woodchips, cobblestones, brick, tile, or decorative blocks, whether as a vertical element such as a wall, or a horizontal element such as a bed, walk, or path.

Land Area (Net): All the area within the confines of a given legal description exclusive of areas under water and within the proposed right-of-way requirements as adopted by the Board of County Road Commissioners of Oakland County, Michigan, or the Auburn Hills City Council.

Land Area (Gross): All areas within the confines of a given legal description including areas under water and including areas within the right-of-way.

Landfill: Landfill means any disposal area or tract of land, building, unit or appurtenance or combination thereof that is used to collect, store, handle, dispose of, bury, cover over, or otherwise accept or retain refuse as herein defined.

Livestock: Horses, cattle, sheep, goats, and other useful animals normally kept or raised on a farm or range.

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

Lot: A lot is an existing parcel of land of at least sufficient size, exclusive of areas under water, to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A parcel of land described by metes and bounds;
4. An existing nonconforming lot or portion thereof.

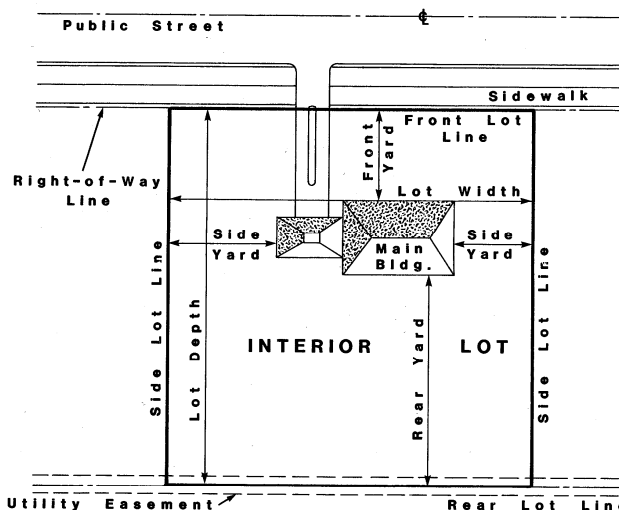
Provided that in no case shall any division or combination create a residual lot or parcel which does not meet the requirements of this Ordinance.

Lot Area: The total horizontal area within the lot lines of the lot. All the area within the confines of a given legal description, including areas under water and including areas within the proposed right-of-way requirements as adopted by the Board of County Road Commissioners of Oakland County, Michigan, or the Auburn Hills City Council, shall be used for computing lot area.

Lot, Corner: A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered to be a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred and thirty-five (135) degrees.

Lot Coverage: The part or percent of the lot occupied by buildings, including accessory buildings.

Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between side lot lines.



Lot Area = Total Horizontal Area.

Lot Coverage = Percent of Lot Occupied by Building.

Lot Area

Lot, Double Frontage: Any lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage and shall meet front yard setback requirements. (Refer to the following Front Lot Line definition.)

Lot, Interior: Any lot other than a corner lot with one (1) street frontage.

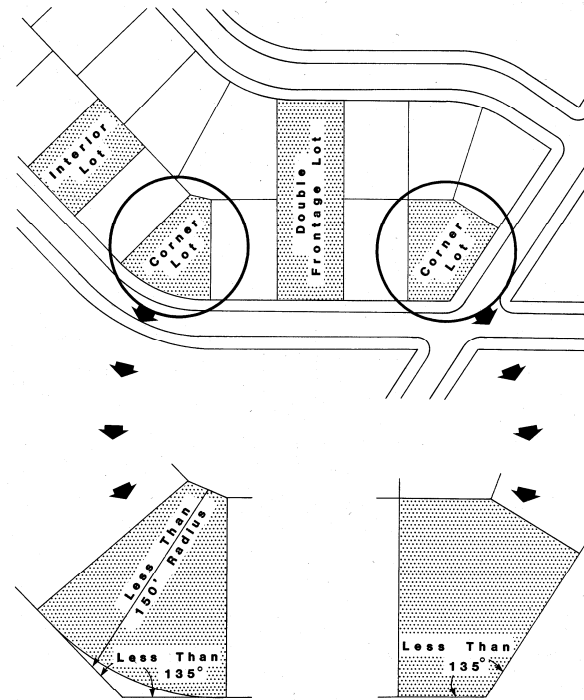
Lot Lines: The lines bounding as defined herein:

1. **Front Lot Line:** In the case of an interior lot, the front line shall be in the line separating the lot from the street, except if the shape of the parcel, or some other reason, makes it impractical to use said line as the front line, another line may be used as the front upon approval by the Board of Appeals, if the placement of the structure(s) and resulting yards are consistent with, and more easily blend with, the other buildings and development in the adjoining area. In the case of a corner lot, the front lot line is that line separating said lot from the street or streets, which is designated as the front street in the plat and in the application for a building permit or zoning.
2. **Rear Lot Line:** The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
3. **Side Lot Line:** Any lot lines other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is a side lot line.

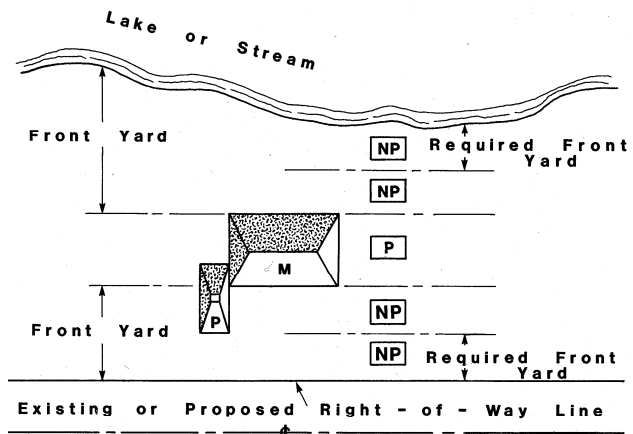
Lot, Nonconforming: A parcel of land described by metes and bounds, or a lot of record or a portion of a lot of record, which does not meet the requirements of this Ordinance.

Lot of Record: A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by City or County Officials, and which actually exists as so shown, or any part of such parcel held in record ownership separate from that of the remainder thereof.

Lot, Water Frontage: In the case of lots abutting ponds, lakes, and rivers, said lots shall be considered to be double frontage lots as defined above.



Double Frontage , Interior & Corner Lots



M - Main Building
 P - Accessory Building (Permitted)
 NP - Accessory Building (Not Permitted)

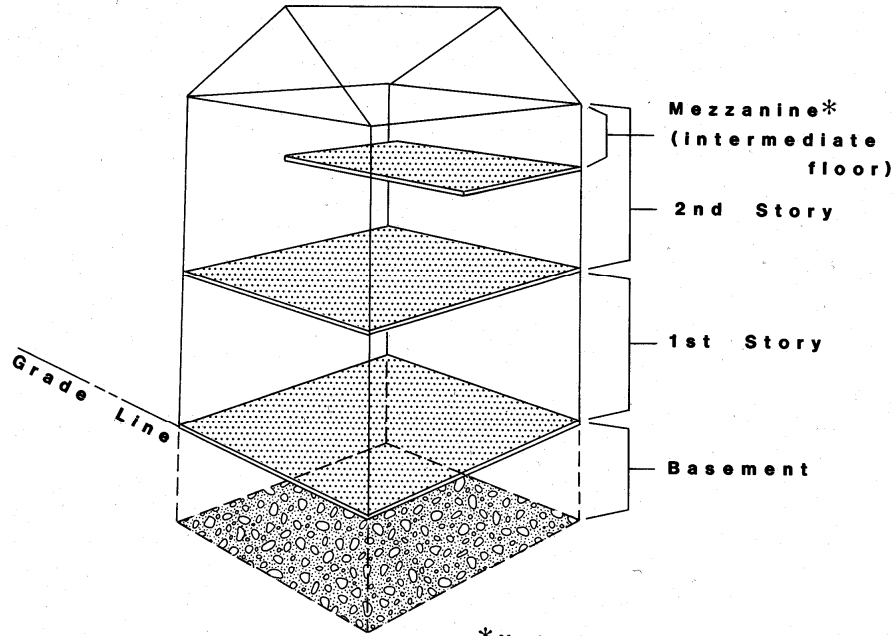
Water Frontage Lot

Lot Width: The horizontal distance between the side lines measured at the two (2) points where the building line, or setback, intersects the said lot lines. The arc shall be used in lieu of a straight line where lots have curved frontage.


Master Land Use Plan: A comprehensive plan including graphic and written proposals indicating the general location of streets, parks, schools, public buildings and all physical development of the City. This shall include any element or part of such plan, and any amendment to such plan or parts thereof.


Master Right-of-Way Plan or Major Thoroughfare Plan: The right-of-way and/or thoroughfare plans officially adopted by the City, the County of Oakland and the Michigan Department of Transportation.

Mezzanine: An intermediate or fractional story between the floor and ceiling or a main story occupying not more than one-third (1/3) of the floor area of such main story.



*Not to exceed 1/3 of floor area of story within which it exists.

 Floor Area - (to be measured as minimum allowable)

 Floor Area - (not measured as minimum allowable)

Basic Structural Terms

Migratory Labor Camp: Temporary facilities provided for the housing of workers who for seasonal purposes are employed in the planting, harvesting, or processing of crops, or for other essential, but temporary employment.

Mobile Home: A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, (if included), and electrical systems contained in the structure.

Mobile Home Park: A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility, used or intended for use incidental to the occupancy of a mobile home.

Motel or Motor Court: A series of attached, semi-detached or detached rental units which provide overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicles as a facility for temporary residence.

Municipal Civil Infraction shall mean a violation of a provision of this Zoning Ordinance for which the remedy and/or penalty is prescribed to be a civil fine or other sanction other than a criminal penalty. A municipal civil infraction is not a lesser included offense of a criminal offense or of an ordinance violation that is not a civil infraction.

(Added: 8-09-04 per Ordinance No. 740)

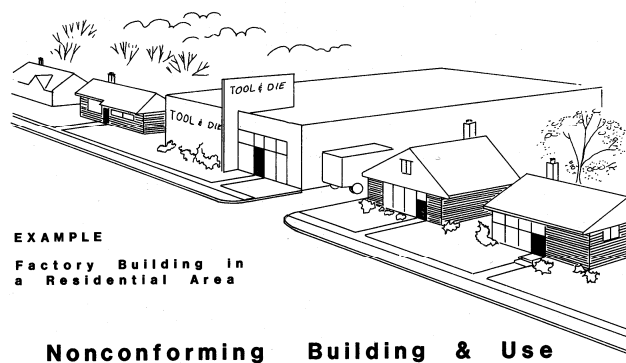
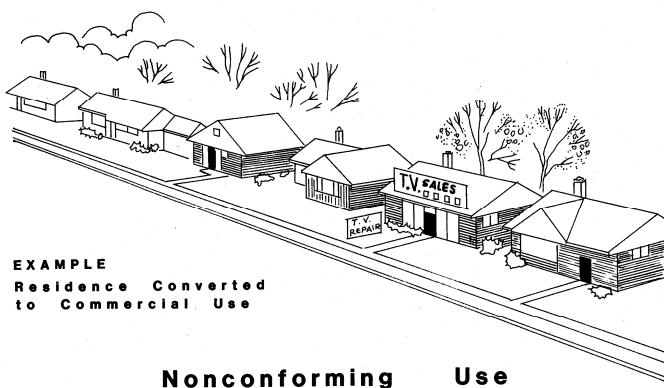
Municipal Civil Infraction Determination shall mean a determination that a defendant is responsible for a municipal civil infraction by one of the following:

- (a) An admission of responsibility for the municipal civil infraction.
- (b) An admission of responsibility for the municipal civil infraction, "with explanation."
- (c) A preponderance of the evidence at an informal hearing or formal hearing.
- (d) A default judgment for failing to appear at a scheduled appearance.

(Added: 8-09-04 per Ordinance No. 740)

Nonconforming Structure: A structure or portion thereof, existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the provisions of this Ordinance, nor to the regulations of the district in which it is located.

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



Nuisance: An offensive, annoying, unpleasant, or obnoxious thing or practice being a cause or source of annoyance.

Nuisance Per Se: shall mean any violation of this Zoning Ordinance, including any uses of land, and dwellings, buildings, or structures, including tents, trailer coaches and mobile homes, used, erected, altered, raised, or converted in violation of this Zoning Ordinance, and shall also include violation of any regulatory measures or permit approvals (including conditions thereon) adopted or granted by the Auburn Hills Zoning Board of Appeals, Auburn Hills Planning Commission and/or the Auburn Hills City Council.

(Added: 8-09-04 per Ordinance No. 740)

Nursery, Plant Material: Any land, space, building, or structure, or combination thereof, used for the storage of live trees, shrubs or plants, but not including any land, space, building or structure, or any part thereof, used for the sale of fruits, vegetables or harvested and cut Christmas trees.

Nursing Home: Also Convalescent or Rest Home: A home, whether operated for profit or not, for the care of the aged, infirm, or those suffering from bodily disorders, wherein more than two (2) persons are housed or lodged and furnished with nursing care.

Occupied: Being in actual or constructive possession of a structure or land.

Occupancy Load: The maximum number of individuals normally occupying a building or part thereof, or for which the existing facilities have been designed.

Off-Street Parking Lot: A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of vehicles.

Parking Lot: An area utilized for the off-street parking of vehicles which is constructed according to the standards of this or other City Ordinances and is built on the surface of the ground.

Parking Space: An area of definite length and width exclusive of drives, driveways, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

Parking Structure: An area utilized for the off-street parking of vehicles which is constructed according to the standards of this or other City Ordinances and which may be one (1) or more stories in height.

Person: A natural person, firm, partnership, association or corporation and its legal successor.

Planned Commercial or Shopping Center: Two (2) or more commercial establishments which are contiguous and/or developed under one (1) site plan.

Planning Commission: The Planning Commission of the City of Auburn Hills as designated in Act 285 of 1931, Section 2, as amended.

Poultry: Domestic fowl such as chickens, turkeys, ducks and geese.

Principal Use: A use as specified and listed in this Ordinance under each district as a principal use, and which occupies or uses at least fifty-one (51%) percent of the building or premises.

Public Service: Public service facilities within the context of this Ordinance shall include such uses and services as election polling places, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities and similar uses including essential services.

Public Utility: Any persons, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State, or Municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, cable television, transportation or water.

Recreational Vehicle: A vehicle designed as a travel unit for occupancy as a temporary or seasonal vacation living unit.

Refuse: Any putrescent or nonputrescent solid waste, except human excreta, but including garbage, rubbish, ashes, street cleaning, dead animals, offal and solid agricultural, commercial, industrial, hazardous and institutional wastes and construction waste.

Repeat Offense shall mean a determination of responsibility for second or any subsequent Zoning Ordinance violation of the same Zoning Ordinance provision committed by the same person within any three (3) year period, unless some other period is specifically provided with regard to a specific Zoning Ordinance provision.

(Added: 8-09-04 per Ordinance No. 740)

Resident: An individual property owner, resident taxpayer, or renter within the corporate limits of the City of Auburn Hills.

Residential District: Any R-1A, R-1B, R-1C, R-1, R-2, R-3, R-4, MHP, RM-1, RM-2, RM-3, or SP Elderly Housing zoning district.

(Amended: 4-04-05 per Ordinance No. 749)

Residential Use: Any building or property, regardless of its incorporation into a zoning district, shall be deemed Residential use if the ground floor is occupied, lived in or slept in by human occupants as permitted in a Residential District.

Responsible or responsibility for a violation shall mean a determination entered by a court or magistrate that a person is in violation of a provision of this Zoning Ordinance prescribed to be a municipal civil infraction.

(Added: 8-09-04 per Ordinance No. 740)

Roadside Stands or Markets: A roadside stand or market is the temporary use of property or facilities for the selling of vegetables, fruits and flowers.

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

Sanitary Landfill: Any operation which involves the piling, placing, storing, or dumping or depositing in a hole or trench, any material in the form of rubbish and/or waste materials.

School Bus: A motor vehicle, other than a station wagon, with a manufacturer's rated seating capacity of eight (8) or more children which is owned by a public, private or governmental agency and which is operated for the transportation of children to or from school. The term also means a motor vehicle, other than a station wagon, that is privately owned and operated for compensation for the transportation of children to or from school.

Screening: To achieve visual concealment or separation between two (2) conflicting uses, or to conceal certain storage or other land uses from public view. Screening may be achieved by any one or a combination of devices: evergreen and deciduous planting, hedge planting, landscaped berms, obscuring fences, walls, or any combination of these. The height of the screen will be determined by the object to be screened, and the circumstances of the area.

Semi-Trailer: A trailer which is designed to carry property and to be drawn by a vehicle and which is so constructed that a substantial part of its weight and load rests upon or is carried by another vehicle.

Senior Citizen Congregate Care Living Facilities: Congregate care living projects are those developments which provide special living environments for senior citizens. These projects are 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. Such building shall not contain equipment for surgical care or for the treatment of disease or injury, other than for emergency first-aid care.

Setback: The distance required to comply with front, side or rear yard open space provisions of this Ordinance. In the instance of a lot or parcel containing several different zoning classifications, the setback distance(s) shall be measured from the district boundary; otherwise, the distance shall be measured from the property line, except for the front yard setbacks for those properties abutting public roads which shall be measured from the right-of-way line and the front yard setbacks for those properties abutting private roads which shall be measured from the nearest private road easement boundary line.

Shrubs: Self-supporting, deciduous and/or evergreen woody species, normally branched near the base, bushy, and less than fifteen (15) feet in height as normally grown in Oakland County.

Soil Excavation: The excavation or removal of gravel, clay, sand, peat, soil, or other similar materials.

Special Land Uses Permitted: A use specified in this Ordinance as permissible in a specific use district as a special land use permitted only after special conditions are met.

Stable, Private: A stable for the keeping of horses for the noncommercial use of the residents of the principal use, and this shall not include the keeping of horses for others, or for commercial breeding.

Story: The part of a building included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above (see definition of Basement).

Story, Half: An uppermost story lying under a sloping roof, the usable floor area of which, at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area in the story directly below, and the height above at least two hundred (200) square feet of floor space is seven feet four inches (7'4").

Street: A public thoroughfare or private easement which affords the principal means of access to abutting property and which is not a driveway as defined herein.

Structure: Anything constructed, or erected and designed for a location on the ground, whether temporary or permanent. This shall not be meant to include items normally recognized as playground equipment.

Temporary Building or Use: A structure or use permitted to exist during periods of construction of the main building or use, or for special events, which building and/or use is not along, or part of a temporary construction building or activity within the scope of Section 1820, Temporary Construction.

Tents: A portable shelter of canvas, coarse cloth, or similar material but not including those used solely for children's recreational purposes.

Thoroughfare, Major: An arterial street which is intended to serve as a large volume trafficway for both the immediate City area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term.

Thoroughfare, Secondary: An arterial street which is intended to serve as a trafficway serving primarily the immediate City area and serving to connect with major thoroughfares.

Tourist Home: Any dwelling used or designed in such a manner that certain rooms other than those used by the resident family, and occupied as a dwelling unit, are rented to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

Trailer: A vehicle, other than a utility trailer, designed for carrying property and for being drawn by a motor vehicle.

Travel Park (Overnight Camping Facility): A place utilized for the temporary parking of recreation vehicles and for camping purposes where there is no permanent storage of recreational vehicles for year-round occupancy, and where commercial activity is limited to servicing the needs of the temporary occupants of the travel trailer park.

Trees: Self-supporting, woody, deciduous and/or evergreen plants with a well-defined central stem or species which normally grow to a height of fifteen (15) feet or more in Oakland County.

Truck: A motor vehicle in excess of one-ton capacity designed primarily for the transportation of property or special purpose equipment.

Truck-tractor: A truck designed primarily for drawing another vehicle and not so constructed as to carry a load other than a part of the weight of the vehicle or trailer and of the load so drawn.

Use: The purpose or function for which land or a building is designed, arranged, or intended to be used, or for which land or a building is or may be occupied.

Use, Accessory: A use subordinate to the main use of a lot and used for purposes clearly incidental to those of the main use.

Utility Room: A utility room is a room used primarily for storage, for housing a heating unit, or for laundry purposes.

Utility Trailer: A vehicle designed to be towed by a motor vehicle in order to carry property including, but not limited to, firewood, refuse, snowmobiles, boats, motorcycles or recreational equipment.

Variance: A zoning variance is a modification of the literal provisions of the Zoning Ordinance granted by the Board of Appeals when certain conditions are met.

Vehicle: Any device in, upon, or by which a person or property may be transported or drawn.

Vehicular Salvage Yards: An area intended for the dismantling and storage of vehicles where salvageable parts, equipment, or liquids are intended for resale, and where there is no intent of abandonment of any parts, equipment, or liquids.

Vehicular Use Area: The total area traversed by any and all types of vehicles, whether such vehicles are moving, at rest, self-propelled or not, less the area defined as parking space, including but not limited to, lot areas of drive-in activities such as filling stations, grocery and dairy stores, banks, restaurants, and the like. Areas used for long or short-term off-street parking, or paved areas serving single-family dwellings, are not included in the definition.

Veterinary Clinic: A place for the care, diagnosis and treatment of sick or injured animals, and those in need of medical or minor surgical attention. A veterinary clinic may include customary pens or cages which are permitted only within the walls of the clinic structure.

Vines: Plants which normally require physical support to reach mature form.

Violation shall mean any act which is prohibited or made or declared to be unlawful or an offense under this Zoning Ordinance, including affirmative acts as well as omissions and/or failure to act where the act is required by this Zoning Ordinance, and further including the failure or refusal to abide by the terms or conditions of a specific approval of the Auburn Hills Zoning Board of Appeals, Auburn Hills Planning Commission and/or the Auburn Hills City Council, including, but not limited to, permit or plan approvals (and conditions imposed thereon) granted under this Zoning Ordinance.

(Added: 8-09-04 per Ordinance No. 740)

Walls, Obscuring: An obscuring structure of definite height and location constructed of wood, masonry, concrete or similar material.

Waste (Hazardous): Means waste or a combination of waste and other discarded material including solid, liquid, semisolid, or contained gaseous material which because of its quality, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or increase in serious irreversible illness or serious incapacitating, but reversible illness, or pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of, or otherwise managed. Hazardous waste does not include material which is sold for recycling or treatment and stored for one (1) year or less, or solid or dissolved material in an irrigation return flow discharge, authorized industrial discharge to a municipal treatment system, or industrial discharge which is a point source subject to permits under Section 402 of the Clean Water Act of 1977, 33 U.S.C. 1342, or is a source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, 42 U.S.C. 2011 to 2282 (taken from Act. 64, P.A. of 1979).

Waste (Industrial Solid): Means any waste substance or a combination thereof resulting from the operation of or from any process of industry, manufacturing, trade or business, or from the development of any agricultural or natural resources.

Wastes (Other): Means nonhazardous garbage, refuse, decayed wood, sawdust, shavings, bark, lime cinders, offal, oil, tar, dye-stuffs, acids, chemicals, and all discarded materials other than sewage or industrial wastes.

Waste (Solid): Means any garbage, refuse, rubbish, special solid waste, other waste, or any combination thereof with insufficient liquid content to be free flowing.

Wetlands: Shall mean poorly drained and very poorly drained soils (as defined in 1. and 2. below), of two (2) or more contiguous acres, including those which are either covered with water or on which the water table is at or near the surface for a considerable part of the year and which, by nature of their surface or subsurface soil characteristics, either contribute to the replenishment of subsurface water supply or are self-contained water resources; and, wetlands shall also mean land with two (2) or more contiguous acres, characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life; wetlands are commonly referred to as bogs, swamps, or marshes.

1. Poorly drained soils are those general organic soils from which water is removed so slowly that the soil remains wet for a large part of the time. The water table is commonly at or near the surface during a considerable part of the year. Poorly drained conditions are due to a high water table, to a slower permeable layer within the soil profile, to seepage, or to some combination of those conditions.
2. Very poorly drained soils are those soils from which water is removed from the soil so slowly that the water table remains at or on the surface a greater part of the time. Soils of this drainage class usually occupy larger or depressed sites and are frequently ponded.

Wireless Communication Facilities: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals and may include, but is not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings and commercial mobile radio service facilities. Citizen band radio facilities, short wave facilities, ham amateur radio facilities, satellite dishes, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority are not included in this definition.

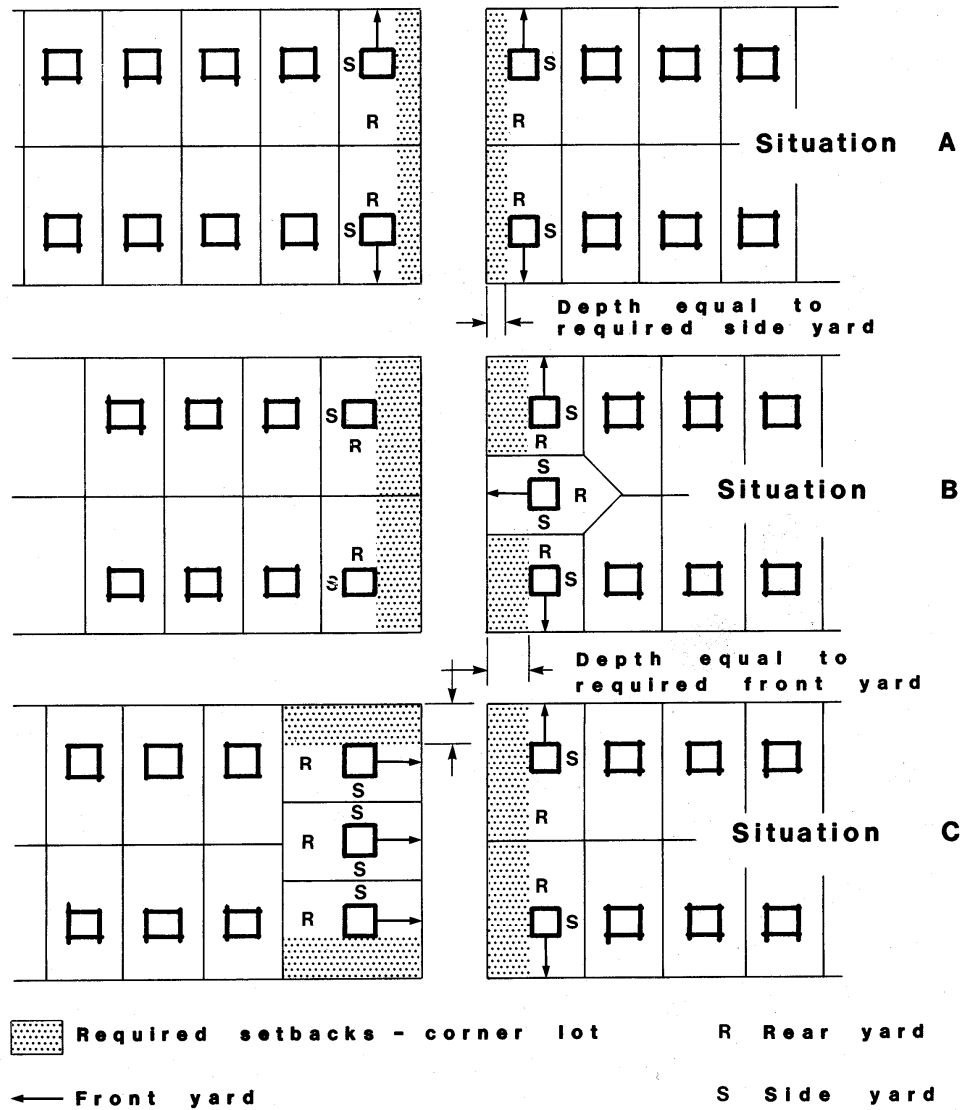
Wireless Communication Facility, Attached: A wireless communication facility that is affixed to an existing structure; for example, an existing building, tower, water tank, utility pole, etc. which does not include an additional wireless communication support structure.

Wireless Communication, Co-location: The location by two or more wireless communications providers, public authority or other duly authorized part of wireless communications facilities or an existing structure, tower, or building in a manner that reduces the overall need for additional or multiple freestanding single use wireless communications facilities within the City of Auburn Hills.

Wireless Communication, Support Structure: A structure newly erected or modified to support wireless communication antennas and connecting appurtenances. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, utility support structures, traffic control structures, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

Yards: The open spaces on the same lot with a main building or main use, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance, and as defined herein:

1. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line(s), or water line in the case of lots abutting lakes, and the nearest point of the main building.
2. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line, or zoning district line, or water line, whichever is closer to the building, and the nearest point of the main building.
3. **Side Yard:** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line, or zoning district line, whichever is closer to the building, and the nearest point of the main building



Side Yards Abutting a Street

Zoning Administrator: The Zoning Administrator (or Building Inspector) of the City of Auburn Hills appointed by the City Council

(Amended: 8-09-04 per Ordinance No. 740)
 (Amended: 4-04-05 per Ordinance No. 749)
 (Amended: 4-02-07 per Ordinance No. 799)
 (Amended: 8-17-09 per Ordinance No. 820)
 (Amended: 10-04-10 per Ordinance No. 830)

ARTICLE III ZONING DISTRICTS AND MAP

SECTION 300. DISTRICTS:

For the purposes of this Ordinance, the City of Auburn Hills is hereby delineated into the following Districts:

R-1A	One-Family Residential	O	Office
R-1B	One-Family Residential	B-1	Limited Business
R-1C	One-Family Residential	B-2	General Business
R-1	One Family Residential	D	Downtown
R-2	One Family Residential	SP	Special Purpose
R-3	One Family Residential	FP	Floodplain
R-4	One Family Residential	T&R	Technology and Research
MHP	Mobile Home Park	I-1	Light Industrial
RM-1	Multiple Family Residential (Low Rise)	I-2	General Industrial
RM-2	Multiple Family Residential (Low Rise)	I-3	Heavy Industrial
RM-3	Multiple Family Residential (High Rise)	LF	Landfill

(Amended: 5-07-01 per Ordinance No. 673)
(Amended: 7-12-04 per Ordinance No. 737)
(Amended: 4-04-05 per Ordinance No. 749)
(Amended: 8-17-09 per Ordinance No. 822)

SECTION 301. BOUNDARIES:

The boundaries of these Districts are hereby established as shown on the Official Zoning Map which accompanies this Ordinance, and which map with all notations, references, and other information shown thereon shall be as much as part of this Ordinance as if fully described herein:

1. Unless shown otherwise, the boundaries of the Districts are lot lines, section lines, the centerlines of streets, alleys, rivers, streams, railroads, or such lines as extended, and the Corporate Limits of the City of Auburn Hills.
2. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance, if there is any uncertainty, contradiction or conflict as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location of District boundary lines shall be determined, upon written application, by the Board of Appeals.

SECTION 302. ZONING OF VACATED AREAS:

Whenever any street, alley, railroad, or other public or quasi-public way within the City of Auburn Hills shall have been vacated by official governmental action, and when the lands within the boundaries thereof attached to and become a part of the land formerly within such vacated street, alley or public or quasi-public way, they shall automatically, and without further governmental action, thenceforth acquire and be subject to the same zoning regulations as are applicable to the lands to which same shall attach, and the same shall be used for that same use as is permitted under this Ordinance for such adjoining lands.

SECTION 303. ZONING OF ANNEXED AREAS:

In every case where property has not been specifically included within a District, the same is hereby declared to be in the R-1A One Family Residential District. All property annexed to the City shall likewise be and is hereby declared to be in the R-1A One Family Residential District unless otherwise classified.

(Amended: 5-07-01 per Ordinance No. 673)

ARTICLE IV

R-1A, R-1B, R-1C, R-1, R-2, R-3, AND R-4, ONE FAMILY RESIDENTIAL DISTRICTS

PREAMBLE

These residential districts are designed to provide for one family low density dwelling sites and residentially related uses in keeping with the Master Plan of residential development in the City. The uses permitted by right and on special condition as special land uses permitted are intended to promote a compatible arrangement of land uses for homes, with the intent to keep neighborhoods relatively quiet and free of unrelated traffic noise.

SECTION 400. PRINCIPAL USES PERMITTED:

In the R-1A, R-1B, R-1C, R-1, R-2, R-3, and R-4 One Family Residential Districts no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance:

1. One (1) family detached dwellings, including detached one-family site condominium units.
2. Farms, when on parcels totaling five (5) acres or more.
3. Publicly owned and operated libraries, parks, parkways, and recreational facilities.
4. Municipal buildings and uses.
5. Accessory buildings and accessory uses customarily incidental to any of the above principal uses permitted.
6. Uses determined to be similar to the above principal permitted uses in accordance with the criteria set forth in Section 1827 and which are not listed below as special land uses.

(Amended: 5-07-01 per Ordinance No. 673)

(Amended: 1-24-05 per Ordinance No. 746)

(Amended: 4-04-05 per Ordinance No. 749)

SECTION 401. SPECIAL LAND USES PERMITTED:

The following uses may be permitted under the purview of Section 1818 by the City Council, after site plan review and Public Hearing by the Planning Commission, and subject further to such other reasonable conditions which, in the opinion of the City Council, are necessary to provide adequate protection to the health, safety, general welfare, morals and comfort of the abutting property, neighborhood and City of Auburn Hills:

1. Utility and public service facilities and uses (without storage yards) such as regulator stations and electrical substations subject to the following:
 - A. Such uses shall be planned so as to not be a nuisance to adjacent areas, and shall be planned so as to be harmonious with the adjacent neighborhood.
2. Churches, subject to the following conditions:
 - A. The site shall be so located as to provide for ingress to and egress from said site directly onto a major or secondary thoroughfare having an existing or planned right-of-way of at least eighty-six (86) feet in width as shown on the current Major Thoroughfare Plan of the City of Auburn Hills.
3. Cemeteries provided such uses are developed on sites of five (5) acres or more, and on a thoroughfare of at least eighty-six (86) feet in right-of-way.
4. Home occupations subject to the following provisions:
 - A. Such occupation shall be conducted by resident occupants in their residence, provided, however, no more than one (1) nonresident may be employed by the resident occupants to assist them in conducting the occupation.
 - B. No more than twenty-five (25%) percent of the gross area of any residence shall be used for such purpose. Use of accessory structures for these purposes is prohibited.
 - C. Traffic and delivery of goods created by the home occupation shall not exceed that normally created by residential uses.

- D. No use shall occasion internal or external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure, or the fire district in which the structure is located.
 - E. No home occupation shall cause an increase in the use of water or sewer utilities so that the combined total use for the dwelling in home occupation purposes exceeds the average for residences in the neighborhood.
 - F. There shall be no outside storage of any kind related to the home occupation.
 - G. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than is usually experienced in the average residential occupancy in the District in question under normal circumstances wherein no home occupation exists.
 - H. Only one (1) nonilluminated sign, not to exceed two (2) square feet in area shall be allowed. Said sign shall be attached and parallel to the front wall of the residence.
 - I. Operating a business, or carrying on a business activity in excess of the limitations of the home occupation as defined and allowed in this Ordinance in a Residential District is prohibited. The conducting of a business or a business activity which results in violations of the limitations or is not a home occupation as defined herein, may be prosecuted in the District Court, or may be enjoined in the Circuit Court. As an alternative, the Building Inspector may refer the matter first to the Board of Zoning Appeals if there is a reasonable question as to whether there is a violation. Whenever a complaint is received from a neighbor, the Building Inspector shall make an investigation and either take action against the violator, refer the matter to the Board of Zoning Appeals or advise the complainant there is no violation and the reason(s) for that determination. If a question concerning a home occupation is referred to the Board of Zoning Appeals, that Board shall hold a public hearing with notice to all property owners within three hundred (300) feet of the property and shall determine whether there are, in fact, any violations of the above limitations. The Board of Zoning Appeals may take no further action, or may issue a permit for the continuation of said use, with or without restrictions. If a hearing is held and a determination is made, the matter may not be reviewed at the complaint of a neighbor unless there has been a change of circumstances.
- 5. Funeral homes provided that they are located on existing or planned thoroughfares of at least eighty-six (86) feet in right-of-way.
 - 6. Private recreational areas, institutional recreation centers, swimming pool clubs, and outdoor tennis courts, provided the following conditions are met:
 - A. The organization proposing any use permitted in this sub-section shall have at least two-thirds (2/3) of its membership composed of residents of the City of Auburn Hills.
 - B. In those instances where the proposed site is not to be situated on a lot or lots of record, the proposed site shall have one property line abutting a major thoroughfare of at least one hundred and twenty (120) feet as shown on the current Major Thoroughfare Plan of the City of Auburn Hills, and the site shall be so planned as to provide ingress and egress directly onto said major thoroughfare.
 - C. Front, side and rear yards shall respectively be at least fifty (50) feet wide and shall be landscaped in trees, shrubs, grass and terrace areas. All such landscaping shall be maintained in a healthy condition.
 - D. All lighting used to light the grounds shall be shielded to reduce glare and shall be so arranged as to direct the light away from all residential lands which adjoin the site.
 - E. Off-street parking shall be provided so as to accommodate at least one-fourth (1/4) of the member family and/or individual members.
 - 7. Public, parochial and other private elementary, intermediate, and/or high schools offering courses in general education, and not operated for profit.
 - 8. Accessory buildings and accessory uses customarily incidental to any of the above special land uses.
 - 9. Special land uses determined to be similar to the above special land uses in accordance with the criteria set forth in Section 1828.

(Amended: 5-07-01 per Ordinance No. 673)

(Amended: 1-24-05 per Ordinance No. 746)

SECTION 402. ONE FAMILY DWELLING REGULATIONS:

A one family dwelling and any additions or alterations thereto, erected or placed in the City, other than mobile homes located in a licensed mobile home park approved under the provisions of Article V herein, shall conform to the following regulations in addition to all other regulations of this Ordinance:

1. It shall comply with all pertinent building, construction and fire codes for one family dwellings.
2. The plan outline of the dwelling, including only the heated living area, shall be large enough to contain within it a square of twenty (20) feet on a side. This size requirement shall not make any house existing at the date of amendment nonconforming so that it cannot be enlarged or improved.
3. It shall be firmly attached to a permanent foundation constructed on the site in accordance with the State Construction Code and shall have a wall of the same perimeter dimensions of the dwelling, and constructed of such materials and type as required in the applicable building code for one family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission, and shall have a perimeter wall as required above.
4. In the event that a dwelling is a mobile home, as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have a towing mechanism, undercarriage or chassis exposed.
5. It shall be connected to a public sewer and water supply, if available, or if not available, to private facilities approved by the Oakland County Health Department.
6. It shall comply with all pertinent zoning, subdivision and other ordinances regulating use, floor area, lot size, setback, and yards in the Zoning District in which it is located.
7. It shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
8. It shall be aesthetically compatible in design and appearance to homes in the neighborhood in which it is located. In the first instance, it shall be the responsibility of the Community Development Department to determine whether this standard is met. The Community Development Department may, in its discretion, refer the matter to the Planning Commission for the determination. Any party aggrieved by an adverse decision by the Community Development Department and Planning Commission may appeal to the Board of Appeals, which Board shall make the determination with findings, based on its independent judgment, without reference to the standards for the granting of variances. The determination of compatibility shall be based upon the character, design, and appearance of residential dwellings located outside of mobile home parks within two thousand (2,000) feet to the extent of not less than twenty (20%) percent of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of the residential dwellings generally found throughout the City. The determination of compatibility shall also be based upon compliance with the following standards:
 - A. The dwelling unit shall have a combination of roof overhang and pitch comparable to the overhang and pitch of homes typically found in the neighborhood in which it is to be located.
 - B. The dwelling shall have steps and/or porches which provide access to exterior doors, and which are comparable to steps and/or porches to homes typically found in the neighborhood in which it is to be located.
 - C. The dwelling and roof shall be covered with a material which is in composition, color, texture, malleability, direction of joints, and method of fastening to the structure comparable to those typically found in the neighborhood in which it is to be located.
 - D. There shall be at least two (2) exterior doors to the living portion and these doors shall be located on two (2) different sides.
9. A dwelling may be approved as aesthetically compatible in design and appearance to homes in the neighborhood in which it is to be located even if all the above conditions do not exist, provided

it is determined that the dwelling and/or its site has other design features which make it aesthetically compatible with homes in the District. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as energy conscious devices such as solar energy, view, unique land contour, or relief from the common or standard designed home.

(Amended: 1-24-05 per Ordinance No. 746)

SECTION 403. AREA AND BULK REQUIREMENTS:

See Article XVII, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density permitted.

SECTION 404. LOTS OF RECORD IN THE R-1A, R-1B, AND R-1C DISTRICTS

Notwithstanding any other Ordinance provisions to the contrary, a single-family dwelling and customary accessory building may be erected on a single lot of record in an R-1A, R-1B, or R-1C zoning district at the effective date of adoption or amendment of this section subject to the provisions contained herein. This provision shall apply even though such lot of record fails to meet the requirements for area or width, or both, that are generally applicable in the R-1A, R-1B, or R-1C zoning district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the R-1A, R-1B, or R-1C zoning district.

If two or more lots, or combination of lots and portions of lots with continuous frontage in single ownership in an R-1A, R-1B, or R-1C zoning district are of record at the time of adoption of this section, and if all or part of the lots do not meet the requirements for lot width and lot area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or occupied which does not meet lot width and lot area requirements for an R-1A, R-1B, or R-1C zoning district.

(Amended: 1-24-05 per Ordinance No. 746)

(Amended: 4-04-05 per Ordinance No. 749)

SECTION 405. DWELLING UNIT DENSITY IN THE R-1A DISTRICT

Dwelling unit density for developments within the R-1A District may not exceed two (2.0) one-family dwelling units per gross acre, with the exception that density may be increased from two (2.0) to three (3.0) one-family dwelling units per gross acre under the "R-1A, Open Space Development Option."

A. R-1A, Open Space Development Option

1. An applicant seeking approval under said option shall follow the requirements and procedures of Section 1830. Planned Unit Development Option of the Auburn Hills Zoning Ordinance.
2. A minimum twenty-five (25%) percent of the gross acreage shall be dedicated or set aside in perpetuity as "open space area."
3. "Gross acreage" as used in this Section means the total parcel acreage minus the public road rights-of-way and/or public road easements.
4. "Open space area" as used in this Section means an area of land that remains primarily undeveloped and in its natural state or designated as private park common area. For the purposes of this Section, retention basins, green space within designated lots/units, and green space within required building setbacks for condominium units shall not be considered open space area.
5. "Condominium development envelope area" as used in this Section means the area formed by the required yard setbacks around the building structure. "Condominium unit area" as used in this Section means that area shown as a condominium unit on the condominium site plan and/or in the condominium Master Deed.
6. The R-1A, Open Space Development Option is only permitted in those areas designated as three (3.0) one-family dwelling units per gross acre on the City's Northeast Corner Neighborhood Master Plan.

- B. The following types of residential developments may be permitted via this option, subject to the provision of open space areas:
1. Detached Dwelling Units. Developments with conventional subdivision lots or condominium units for detached one-family dwelling units may reduce the size of said lot or unit smaller than those normally permitted within the R-1A zoning district, subject to the following:
 - a. Lot area, condominium unit area, or condominium development envelope area shall not be less than six thousand (6,000) square feet in size and lots, condominium units or condominium development envelopes shall not have less than fifty (50) feet of frontage
 - b. All roads within the development shall be private roads. Road width shall be at least thirty (30) feet back-of-curb to back-of-curb to allow on-street parking on one side of the road. Private roads shall be located within a sixty (60) foot private road easement.
 - c. Buildings shall meet the setback requirements for the R-1 district in Section 1700, Schedule of Regulations. Front yard setbacks shall be measured from the nearest private road easement boundary line or public road right-of-way line (if applicable).
 - d. Dwelling units shall be setback a minimum of one hundred (100) feet from an exterior boundary road right of way of the development and arranged on site so that none face directly onto said road. No dwelling unit shall have direct access to an exterior boundary road of the development.
 - e. The lot area, condominium unit area, or condominium development envelope area may not include bodies of water, wetland buffer areas, and regulated wetlands or watercourses.
 - f. Concrete pedestrian sidewalks of five (5) feet in width shall be provided along both sides of all roads within the development.
 - g. Any additional restrictions or conditions the Planning Commission and City Council may believe are necessary to meet the intent of the R-1A, Open Space Development Option.
 2. Duplex Attached Dwelling Units. Two-unit attached one-family dwelling unit developments subject to the following:
 - a. In no case shall said lot area, condominium unit area, or condominium development envelope area be less than six thousand (6,000) square feet of gross area for each unit (or twelve thousand (12,000) square feet total per duplex), or have less than forty (40) feet for each unit (or eighty (80) feet total per duplex) of frontage width
 - b. Requirements listed above in Subsection B.1 (b-g) of this Section.
- C. Modification of Design Standards. The City Council, after review and recommendation by the Planning Commission, may at its sole discretion allow deviations of any of the standards of this Section, with the exception that a development utilizing the R-1A, Open Space Development Option may not exceed three (3.0) one family dwelling units per gross acre.

(Added: 5-07-01 per Ordinance No. 673)
(Amended: 2-04-02 per Ordinance No. 689)
(Amended: 3-03-03 per Ordinance No. 717)
(Amended: 1-24-05 per Ordinance No. 746)
(Amended: 2-27-17 per Ordinance No. 885)
(Amended: 11-26-18 per Ordinance No. 906)

SECTION 406. OPEN SPACE PRESERVATION OPTION

The intent of this Section is to encourage the long-term preservation of open space and natural features and the provision of recreation and open space areas in accordance with Act 179 of the Public Acts of 2001. The applicant for an open space preservation option shall be entitled to an approval under this section; provided, the following aspects of the proposed development plan are met:

A. Eligibility Requirements

This Ordinance shall be applicable to residential properties zoned R-1A, One-Family Residential District. The provisions in this section shall supplement the existing regulations applicable within the referenced zoning district in the event a developer or owner of property elects to submit its proposed development under the open space preservation option provided in this section.

B. Open Space Preservation Option

Property meeting the eligibility requirements of this section may be developed, at the owner's option, with the same number of dwelling units on a portion of the land as specified herein that, as determined by the approving body, could have otherwise been developed on the same land under current ordinances, laws and rules, subject to and in accordance with the regulations of this Section.

C. Density Calculation

The density of dwelling units shall not exceed the density customarily developable in the zoning district in which the proposed development is located, developed with a conventional layout and with all applicable laws and ordinances being observed.

1. A parallel plan shall be submitted to the approving body in order to establish the maximum permitted density. The parallel plan shall identify how a parcel could be developed under the conventional standards of the specific zoning district in which the property is situated (without application of this section), and the requirements of all other applicable State and municipal regulations and standards. The parallel plan shall provide lots with building envelopes of sufficient size, taking into consideration sanitary sewage disposal capacity (only on property where there is a question of soil capacity will it be necessary to undertake actual soil analysis or County review), topography, easements or encumbrances, drainage retention/detention areas, along with all necessary roads and road-related improvements, without impacting natural areas and features required to be preserved under applicable law and ordinance. All unbuildable areas and areas with limitations to development must be accurately identified on the parallel plan, including, but not limited to, wetlands, watercourses, drains, floodplains, steep slopes, woodlands and similar features. It is not the intent of this provision to generally require detailed engineering in the preparation of this plan, however, it must be a realistic plan of development, taking into consideration the actual assets and constraints of the property.
2. The approving body shall make the determination that a parallel plan is acceptable once it meets all applicable City ordinance requirements and, based on the parallel plan, determine the number of units permitted under the open space preservation option provided in this section.

D. Design and Application Requirements

The following design and application requirements shall apply to a proposed open space development under this section. The design requirements shall be incorporated into a preliminary plat, if the land is proposed to be developed as a subdivision under the Land Division Act, and otherwise incorporated into a site plan in accordance with the requirements of this Ordinance.

1. A minimum of twenty (20%) percent of the gross site area shall be preserved as permanent open space in an undeveloped state in the manner set forth in Section F., below.
2. Permanent open space shall include the site's most significant natural, environmental, agricultural and/or cultural features, including, but not limited to the following; however, in an open space development under this Section, an "undeveloped state" shall not include a golf course:
 - a. Wetlands, floodplains, and natural watercourses;
 - b. Woodlands;
 - c. Scenic views;
 - d. Historical structures;
 - e. Recreational pathways and other permitted recreational facilities;
 - f. Buffers from major thoroughfares and more intense land uses; and
 - g. Similar features acceptable to the approving body.
3. The area and width of the resulting individual lots and building setback requirements under the open space preservation option shall be reasonable and rationally related to

the type of development proposed and shall comply with the standards, requirements and intent of the specific zoning district in which the proposed development is located to the maximum extent feasible. Factors to be considered in determining the reasonableness of the area, width and setback requirements shall include the amount of open space, the density as determined by the approving body under the parallel plan, and the required setbacks, minimum lot width, and maximum lot coverage for the particular zoning district. Final area, width and setback requirements under the open space preservation option plan shall be approved by the approving body, in the manner set forth in Section G., below.

4. Lot layout and configuration shall result in lots or units feasible for development and use of residences, and in the maintenance of a reasonable buffer between an open space development hereunder and adjacent public thoroughfares and other land which is developed, or may be developed for non-cluster residential development. Each lot or unit shall be depicted on the plan with a proposed building envelope, in which a proposed residence may be constructed and used, including all likely improvements, without the necessity of the grant of a variance by the Zoning Board of Appeals.
 5. Open space areas shall be accessible to all lots in the development, either directly from the internal road network or, if approved in the discretion of the approving body, directly from another manner of access providing perpetually existing and maintained pedestrian accessibility to all lots.
 6. Preserved open space shall be connected with adjacent open space, public land, and existing or planned safety paths, where feasible, as determined by the approving body.
 7. Approval of an open space option development does not constitute a change in the zoning of the property, and, except as specifically provided in this section, all other regulations applicable within the zoning district of the property and development shall apply.
 8. Restrictions.
 - a. Nothing in this section shall allow the construction of multi-family or attached residential units in a single family residential district.
 - b. Nothing in this section shall allow a development to result in the creation of a nuisance or a danger or hazard to the health, safety and welfare of any person or property.
 - c. The development shall not result in an unreasonable burden upon public services and/or facilities, taking into consideration the capacity and availability, considering the existing and anticipated future use of such services and facilities.
 - d. The development shall be designed to avoid an unreasonable burden upon the subject and/or surrounding properties, taking into consideration economic, aesthetic, traffic, noise and other applicable and relevant planning and/or engineering considerations.
 - e. Any development proposed utilizing the open space preservation option provided in this section shall, to the greatest extent feasible while remaining consistent with the requirements of Public Act 179 of 2001, comply with all zoning regulations and design standards applicable to the property.
- E. Open Space Maintenance and Preservation
1. All open space shall remain perpetually in an undeveloped state by means of a conservation easement to be recorded with the Oakland County Register of Deeds. All such conservation easements shall clarify ownership, access/use rights, and perpetual maintenance, and shall be approved by the approving body prior to final approval of the development, and shall be received and approved as to substance and form by the City attorney prior to acceptance by the approving body.
 2. Nothing in this section shall be construed to require the property owner to convey fee title ownership of the open space to the public.
- F. Review Process
1. All proposed open space preservation option developments shall be submitted and reviewed in accordance with the procedure applicable under this ordinance to the type of development being proposed (i.e., subdivision, condominium, site condominiums, etc.)

and in accordance with the development standards in this section and other applicable ordinances.

- a. The "approving body", as referenced in this section, shall refer to the City Council as having the authority to grant final plan approval to the proposed open space preservation option development. The Planning Commission shall hold a public hearing and provide its recommendation on the plan prior to City Council consideration.
 2. In addition to all other submittals and information required under this ordinance, all open space preservation option plans submitted to the City shall include a resource inventory that contains the following:
 - a. All floodplains, wetlands, and bodies of water;
 - b. A woodlands analysis identifying all regulated woodlands;
 - c. All wildlife habitat areas;
 - d. An analysis of on-site soils and topography to identify limitations to development; and
 - e. An analysis of the cultural features of the site, including but not limited to, scenic views, historic structures, patterns of original farm fields, fences or stone walls, and recreational uses.
 3. In addition to all other review considerations applicable under other sections of this ordinance to the type of development being proposed (i.e., subdivision plat, condominium, site condominiums, etc.), as part of its review and decision to approve or deny approval of the plans or subdivision plat in which the developer seeks to utilize the open space preservation option under this section, the approving body shall determine that the plans and materials satisfy the intent and requirements of subsections A. through F. of this section as part of the overall review process applicable to the particular development.
- G. Definitions
The definitions set forth in Act 179 of the Public Acts of 2001 shall be incorporated, and considered a part of, this Section.

*(Added: 1-06-03 per Ordinance No. 715)
(Amended: 1-24-05 per Ordinance No. 746)*

SECTION 407. ATTACHED ONE-FAMILY DWELLING UNITS

Attached one-family dwelling units may be permitted in R-1A, R-1B, R-1C, R-1, R-2, R-3, and R-4 One Family Residential Districts subject to the requirements and procedures of Section 1830. Planned Unit Development Option of the Auburn Hills Zoning Ordinance. Attached one-family dwelling unit developments may not exceed the planned dwelling units per acre depicted on the City of Auburn Hills Master Land Use Plan and/or associated neighborhood master plans. For purposes of clarification, attached one-family dwelling unit developments proposed in the R-1A District shall be subject to the requirements of Section 405 of this Article.

(Added: 2-27-17 per Ordinance No. 885)

ARTICLE V

MHP, MOBILE HOME PARK DISTRICTS

(Approved by the Michigan Mobile Home Commission)

PREAMBLE

The MHP Mobile Home Park Districts are established primarily to provide for higher density single family detached, residential dwelling units, and to assist in meeting adopted Master Land Use Plan Residential Goals and Objectives of providing diversified housing types in the City of Auburn Hills. Also, because mobile home parks are much higher in density than an otherwise typical single family subdivision, and because they are developed with private street systems, thereby creating an interruption in the continuity of the local public street system, they are otherwise not totally compatible with lower density single family subdivisions. In this Ordinance mobile homes are intended to serve as an alternative housing type to other forms of residential development, and sites are provided at planned locations throughout the City.

SECTION 500. HEIGHT REGULATIONS.

In the Mobile Home Park District, no structure shall exceed a height of twenty-five (25) feet or two (2) stories.

SECTION 501. AREA REGULATIONS:

The mobile home park shall be developed with sites averaging five thousand five hundred (5,500) square feet per mobile home unit. This five thousand five hundred (5,500) square feet for any one site may be reduced by twenty (20%) percent provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through the reduction of a site below five thousand five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open space and distance requirements be less than that required under R 125.1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code.

Rule 941.

1. A mobile home shall be in compliance with the following minimum distances:
 - A. Twenty (20) feet from any part or attached structure of another mobile home which is used for living purposes.
 - B. Ten (10) feet from either of the following:
 1. An on-site parking space of an adjacent mobile home site.
 2. An attached or detached structure or accessory which is not used for living purposes.
 - C. Fifty (50) feet from a permanent building.
 - D. One hundred (100) feet from a baseball or softball field.
2. Any part or structure that belongs to a mobile home shall be set back the following minimum distances:
 - A. Ten (10) feet from the edge of an internal road and seven and one-half (7 1/2) feet from a parking bay.
 - B. Seven (7) feet from a common pedestrian walkway.
 - C. Ten (10) feet from a natural or manmade lake, object, or waterway.
3. A mobile home site length may vary depending on park design and layout and the mobile home to be installed; however, the minimum standards pertaining to distance between mobile homes shall be complied with.
4. Site dimensions may be computed to include the space requirements for mobile homes which may contain expando rooms, or in anticipation of the attachment of expansion such as add-a-rooms. (Effective 3/1/79; (1, 1 (a,b), 2, 2(c) 4).

Rule 944.

1. Mobile homes, permanent building and facilities, and other structures shall not be located closer than ten (10) feet from the property boundary line of the mobile home park or mobile home condominiums.
2. If mobile homes, permanent buildings and facilities, and other structures abut a public right-of-way, they shall not be located closer than fifty (50) feet from the boundary line, except that if the boundary line runs through the center of the public road, the fifty (50) feet shall be measured from the road right-of-way line. This rule does not apply to internal roads if dedicated for public use, if the roads do not present a nuisance or safety hazard to the park tenants or condominium owners. (Effective 3/1/79; Amended 7/17/85.)

Rule 946.

A mobile home park or mobile home condominium that contains fifty (50) or more mobile home sites which are constructed pursuant to a permit to construct issued under the act shall have not less than two percent (2%) of the park's gross acreage dedicated to open space, but not less than twenty-five thousand (25,000) square feet. (Amended 7/17/85).

SECTION 502. SETBACK:

1. Mobile homes, permanent buildings and facilities, and other structures shall not be located closer than ten (10) feet from the property boundary line of the mobile home park or mobile home condominium.
2. If mobile homes, permanent buildings and facilities, and other structures abut a public right-of-way, they shall not be located closer than fifty (50) feet from the boundary line, except that if the boundary line runs through the center of the public road, the fifty (50) feet shall be measured from the road right-of-way line. This rule does not apply to internal roads if dedicated for public use, if the roads do not present a nuisance or safety hazard to the park tenants or condominium owners.

SECTION 503. LANDSCAPING:

The mobile home park site shall provide, within the mobile home park site, a masonry wall four feet six inches (4'6") in height abutting single family residential properties and public rights-of-way or a greenbelt in compliance with the following:

1. Quality: Plant and grass materials shall be of acceptable varieties and species, free of pests and diseases, hardy in Oakland County, and shall conform to standards of the American Association of Nurserymen and the City of Auburn Hills, and shall have passed any inspections required under State regulations.
No plant materials used to satisfy some or all planting requirements of the Ordinance shall be comprised of nonliving materials, such as petrochemical plants. No polyethylene film shall be used under nonliving, decorative landscape materials such as stone, wood chips and gravel in a manner which will cause erosion of the decorative materials.
2. Deciduous trees shall be species having an average mature crown spread of greater than fifteen (15) feet in Oakland County, and having trunk(s) which can be maintained with over five (5) feet of clear stem, if conditions of visibility require, except, however, at intersections where the requirements of eight (8) feet of clear stem shall be followed. Trees having an average mature crown spread of less than fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of a fifteen (15) foot down spread. Deciduous tree species shall be a minimum of ten (10) feet in overall height, and a minimum caliper of two (2) inches, and burlapped ball size of at least ten (10) times the caliper size, immediately after planting.
3. Evergreen trees shall be a minimum of five (5) feet in height, with a minimum spread of three (3) feet, and burlapped ball size of at least ten (10) times the caliper immediately after planting.
4. Shrubs and Hedges. Shrubs shall be a minimum of two (2) feet in height when measured immediately after planting, or two (2) feet in spread if plants are low growing evergreens. Hedges, where provided, shall be planted and maintained so as to form a continuous, unbroken, visual screen within a maximum of two (2) years after time of planting.

5. Vines shall be a minimum of thirty (30) inches in length after one (1) growing season, and may be used in conjunction with fences, screens, or walls to meet physical buffer requirements so specified.
6. Ground covers used in lieu of grass in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) growing season with at least three (3) plants per square foot.
7. Lawn Grass: Grass areas shall be planted in species normally grown as permanent lawns in Oakland County. Grass may be plugged, sprigged, seeded or sodded except that rolled sod, erosion reducing net or suitable mulch, shall be used in swales or other areas subject to erosion. Grass, sod, and seed shall be clean and free of weed and noxious pests or diseases. Establishments of a reasonably dense weed-free turf with good color, and complete ground coverage, actively growing shall be provided.
8. If provided, Landscape Elements shall be as follows:
 - A. Earth Mounds and Berms. Berms and mounds shall be constructed with slopes no greater than one (1) foot vertical for each three (3) feet horizontal with at least a two (2) foot flat on the top, and with adequate protection to prevent erosion.
 - B. Mulches. Mulching material for planted trees, shrubs, and vines shall be a minimum of three (3) inch deep wood chip mulch. Straw or other mulch shall be used to protect seeded areas.

SECTION 504. YARDS:

Yard requirements of Public Act 96 of the Public Acts of 1987, as amended, shall be adhered to.

SECTION 505. SERVICE DRIVES AND SIDEWALKS:

Service drives shall meet the following minimum requirements:

1. The road shall have access to a public thoroughfare proposed at least eighty-six (86) feet in right-of-way, or shall be connected to a public thoroughfare proposed at least eighty-six (86) feet in right-of-way by a permanent easement, which shall be recorded prior to approval by the Department.
2. All other requirements of Public Act 96 of the Public Acts of 1987, as amended, shall be adhered to.

Rule 920.

1. An internal road is subject to approval by the department and shall be in compliance with all of the following general requirements:
 - A. The road shall be hard-surfaced.
 - B. The road shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement which shall be recorded prior to approval by the department. Sole access by an alley is prohibited.
 - C. A dead-end road shall terminate with an adequate turning area. A blunt-end road is prohibited.
 - D. An adequate safe-sight distance shall be provided at intersections.
 - E. An offset at an intersection or in intersection of more than two (2) streets, is prohibited.
 - F. All roads shall be clearly marked with appropriate traffic signs, subject to the provisions of rule 701(2) of these rules.
 - G. A road shall be named and so identified by street signs located at all road intersections.
 - H. A name for an internal road shall be approved by the municipality.
 - I. A road shall have a driving surface of not less than the following:
 - 1) One (1) way, with no parking 13 feet
 - 2) Two (2) way, with no parking 21 feet
 - 3) At access points where general traffic enters or leaves the park, the widths shall be sufficient to permit free movement from or to the stream of traffic on the public roads.
2. Local conditions, such as heavy snowfall, may dictate the need for wider roads to provide for the free flow of vehicular and pedestrian traffic and vehicular parking and to facilitate removal of snow without blocking access to the mobile home site. (Effective 3/1/79; (1, 1(b,f), 2) Amended 5/1/80).

Rule 921.

The alignment and gradient of an internal road shall be adopted to the topography and shall be graded for its full width to drain surface water. When grading roads in length, the finish grade of the street shall not be greater than eight (8%) percent and not less than four tenths (0.4%) of a percent of the length. Short lengths with a maximum grade of twelve (12%) percent may be permitted, provided traffic safety is assured. (Effective 3/1/79).

Rule 922.

1. An internal road shall be constructed of materials suitable for subgrades and hard surface in compliance with the standards of the American Association of State Highway and Transportation Officials (AASHTO), 1974 edition, adopted herein by reference. Copies are available from the American Association of State Highway and Transportation Officials, 444 North Capitol Street, N.W., Suite 225, Washington, D.C. 20001 at a prepaid cost of \$4.25, or from the Department of Commerce, Corporation and Securities Bureau, Mobile Home Section, PO Box 30222, Lansing, Michigan 48909 at a cost of \$4.25.
2. The park developer may use other suitable materials of equal quality, if approved by the department. (Effective 3/1/79).

Rule 923.

Curbing may be installed on all internal roads. If curbing is used, it shall be constructed as follows:

1. Curbing shall be concrete with the exception of the integral valley curb and gutter (gravity drains), which may be either concrete or asphalt.
2. If integral valley curbing and gutter or mountable curb and gutter is used, the height of the curb measured from the gutter line shall be between three (3) and five (5) inches.
3. Cross walks shall conform to Act No. 8 of the Public Acts of 1973, being SS 125.1361 et seq. of the Michigan Compiled Laws. (Effective 3/1/79).

Rule 924.

Improved hard surface driveways shall be provided on the site where necessary for convenient access to service entrances of buildings; to delivery and collection points for fuel, refuse, and other materials; and elsewhere as needed. The minimum width shall be ten (10) feet. The entrance shall have the flare or radii and horizontal alignment for safe and convenient ingress and egress. (Effective 3/1/79).

Rule 927.

An internal road system shall provide safe, convenient vehicular circulation to and from any access points, all mobile home sites, laundry facilities, recreational facilities, office facilities, and any other facilities necessary for the normal operation of the mobile home park. (Effective 3/1/79).

Rule 928.

If a pedestrian circulation system is constructed, it shall be designed, constructed, and maintained for safe and convenient movement from all mobile home sites to principal destinations within the park and connection to the public pedestrian circulation system outside the park. A pedestrian circulation system shall satisfy the following requirements:

1. Internal roads may be used as pedestrian ways except where concentrations of either pedestrian or vehicular traffic are likely to lead to congestion or hazards.
2. Separate pedestrian ways shall be provided in locations where pedestrian traffic is concentrated, if use of the roads creates a hazard because of concentrations of either pedestrian or vehicular traffic.
3. Separate pedestrian ways shall be provided at points where use of roads would lead to unduly circuitous pedestrian routes to principal destinations. If possible, walks shall be through interior areas away from heavy or fast-moving traffic.
4. Where steps are installed, they shall rise no steeper than five (5) feet vertically and ten (10) feet horizontally. Handrails shall be installed in compliance with R 408.30446 of the Michigan Administrative Code.
5. Where steps are installed along common pedestrian walkways, ramps shall be installed in compliance with R 408.30445 of the Michigan Administrative Code.

6. If constructed, a common pedestrian walkway shall have a minimum width of three (3) feet.
7. An individual pedestrian walkway shall be constructed between the permanent foundation, or patio if provided, and the on-site parking spaces or parking bay, whichever is provided, or common pedestrian walkway if constructed.
8. An individual pedestrian walkway shall have a minimum width of three (3) feet. (Amended 7/17/85).

Rule 929.

All vehicular and pedestrian circulation systems within a mobile home park shall be illuminated as follows:

1. Access points to public thoroughfares shall be lighted. If the public thoroughfare is lighted, the illuminated level shall not exceed the average illumination level of an adjacent illuminated thoroughfare.
2. At all street intersections and designated pedestrian crosswalks, the minimum illumination shall be not less than .25 footcandles.
3. Roads, parking bays, and pedestrian walkways shall be illuminated at no less than .15 footcandles.
4. If a central park mail box area or park directories, or both, are provided, they shall be illuminated at not less than ten (10) horizontal footcandles on any box of any entry on the directory.
5. Outdoor recreational facilities shall be adequately lighted, when in use. (Effective 3/1/79).

Rule 949.

1. "Repair and maintenance," for the purposes of this rule, means projects such as, but not limited to, the repairing of roads; the replacing of existing lighting fixtures and illumination elements; the replacing, repairing, or maintaining of existing sewer lines, drain lines, water mains, utility lines, and appurtenances; and the repairing and maintaining of existing mobile home sites, buildings, or grounds.
Existing parks that are licensed under this act are exempt from filing an application with the department for a permit to construct for general repair and maintenance type construction projects if these projects do not add to, subtract from, or alter the standards of the approved master park plans and specifications under which the park was originally constructed.
3. Subrule (1) of this rule does not exempt the park from obtaining any permits, approvals, or inspections required by other laws, rules, or local ordinances applicable to a repair and maintenance project. (Effective 5/1/80).

SECTION 506. WATER AND SANITARY SEWER:

All mobile home parks shall meet the water and sanitary sewer requirements of Public Act 96 of the Public Acts of 1987, as amended.

SECTION 507. STORM WATER:

Storm drainage facilities shall meet the requirements of Public Act 96 of the Public Acts of 1987, as amended.

Rule 908.

A complete set of mobile home park construction plans shall include specifications and working drawings. These documents shall show the design, location, dimensions, materials, quality of materials and workmanship standards necessary to construct the proposed mobile home park as related to road construction, utility construction, mobile home site construction, density, layout, open spaces, and other improvements to protect the health, safety, and welfare of mobile home park residents. Recreational facilities and any optional improvements for tenant convenience shall be included in the plans. Specific plans shall include all of the following:

1. A cover sheet that contains all of the following:
 - A. The name and location of the mobile home park.
 - B. A comprehensive sheet index.
 - C. List of abbreviations.
 - D. Schedule of symbols.

2. A site plan that shows all of the following:
 - A. Location of all structures, walkways, roads, parking, and street frontage.
 - B. Proposed contours and related earthwork information to show how the site is to be graded.
 - C. All existing and proposed easements and encroachments, whether of benefit or burden, dimensioned and identified.
 - D. A boundary survey of the property and legal description performed by a land surveyor who is registered in this state.
 - E. A survey bench mark shown by symbol and described with its elevation referenced to an official bench mark of the national geodetic survey or the United States geological survey, which are based on the national geodetic vertical datum of 1929.
 - F. Identification of all contiguous properties or waterways.
 - G. If future park expansion is contemplated beyond that for which the plans are submitted, all land on which the project is to be located shall be shown, complete with distances, bearings, and curve data.
 - H. A location map of the project with its relationship to the surrounding area.
 - I. Floodplain data if the mobile home park lies within or abuts a 100-year floodplain showing the 100-year contour line to the point where it intersects with the boundaries of the mobile home park or its limits, whichever is greater.
 - J. If a floodplain area exists, it shall be clearly labeled with the words "FLOODPLAIN AREA."
 - K. A mobile home pad shall not be placed at an elevation below the 100-year contour line.
3. A typical mobile home site at an enlarged scale that shows all of the following:
 - A. Foundation construction.
 - B. Pad sizes and location within the site.
 - C. Details and location of sewer and water connections.
 - D. Details and location of the utility pedestal which includes location and types of meters, location of the system circuit breaker for electricity, and location and types of shutoff valves for gas.
 - E. Type of site.
 - F. On-site parking and other improvements.
4. A utility plan that shows the location of primary and secondary distribution lines for gas, electricity, telephones, or other utility services. The initial submission of this plan may be a typical plan which is general in nature; however, upon completion of the plan by the servicing utility company, a copy of that plan shall be immediately submitted to the department for filing by the designated agent as shown on the application.
5. A park lighting plan showing the location of all light fixtures and a detail of the fixture to be installed, including a note indicating compliance with the illumination requirements pursuant to R 125.1929.
6. The remainder of the plans required may be floor plans, sections and elevations, and related details as required to sufficiently describe the construction of the mobile home park.
7. Where appropriate, plans may be combined if legibility is not impaired. (Effective 3/1/79; (Preamble a,b,b(ix),c,d,f) Amended 5/1/80; Amended 7/17/85.)

SECTION 508. FUEL OIL AND GAS STORAGE:

Any fuel oil and/or gas storage shall meet the requirements of Public Act 96 of the Public Acts of 1987, as amended.

Rule 935.

If provided, a centralized park liquefied petroleum gas (LPG) system shall be designed, installed, operated, and maintained pursuant to the rules entitled "Liquefied Petroleum Gases," being R 28.3801 to R 28.3818 of the Michigan Administrative Code and pursuant to R 460.14051 of the Michigan Administrative Code. In addition to the aforementioned rules, the following shall be complied with:

1. Main and site service lines shall be installed underground.
2. A mobile home site shall have installed an approved liquefied petroleum gas meter.

3. The minimum hourly volume of liquefied petroleum gas required at each point in the system shall be calculated pursuant to applicable codes and the manufacturer's standard for the appliance or appliances to be served. (Effective 3/1/79).

Rule 936.

If individual mobile home liquefied petroleum gas systems are permitted, the installation, operation, and maintenance shall comply with the system's and mobile home manufacturer's installation standard and the rules entitled "Liquefied Petroleum Gases," being R 28.3801 to R 28.3818 of the Michigan Administrative Code. (Effective 3/1/79).

Rule 937.

1. If provided, park centralized fuel oil systems shall be designed, installed, operated, and maintained in compliance with NFPA number 31, 1974, Standards for the Installation of Oil Burning Equipment which is adopted herein by reference, and the rules entitled "Flammable Liquids" being R 28.601 to R 28.740 of the Michigan Administrative Code. Copies of NFPA 31 are available from the National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210 at a cost of \$4.40, or from the Department of Commerce, Corporations and Securities Bureau, Mobile Home Section, PO Box 30222, Lansing MI 48909 at a cost of \$4.40.
2. In addition to standards set forth in subrule (1) of this rule, the following shall be complied with:
 - A. Main and site service lines shall be installed underground.
 - B. Each mobile home site shall have installed an approved weatherproof fuel oil meter.
 - C. If needed, the fuel oil system shall be equipped with an approved Underwriters Laboratory (UL) or similarly listed heating system to prevent freezing in cold weather. (Effective 3/1/79).

Rule 938.

A mobile home site meter connected to a centralized park electric and fuel service system shall, at a minimum, be calibrated upon installation, and every seventh (7th) year thereafter by an independent calibrating company. (Effective 3/1/79).

Rule 939.

If individual fuel oil systems are permitted, they shall comply with the rules entitled "Flammable Liquids," being R 28.601 to R 28.740 of the Michigan Administrative Code and the following:

1. A mobile home site shall be equipped with an individual fuel oil tank of not less than one hundred (100) gallon capacity constructed in accordance with Chapter 2, MFPA 31 which is adopted by reference pursuant to R 125.1937. A commercial shipping container (drum) or similar container shall not be used.
2. The fuel oil tank may be above or below ground.
3. If the fuel oil tank is above ground, it shall be securely installed. Piping to the mobile home shall be securely fastened in place to prevent damage.
4. Fuel oil tanks shall be a minimum of ten (10) feet from any mobile home exit door.
5. Fuel oil tanks shall be vented by a minimum 1 1/4 inch vertical pipe and designed to prevent the entrance of rain or debris.
6. A manual shutoff valve shall be installed at the fuel oil tank on the fuel oil line.
7. Piping for the fuel oil system shall be approved brass or copper tubing, or approved flexible metal hose at a minimum of 3/8 inch outside diameter.
8. Valves and connectors shall be listed standard fittings and maintained liquid-tight to prevent spillage of the fuel oil on the ground.
9. If needed, a fuel oil tank shall be equipped with an approved Underwriters Laboratory (UL) or similarly listed heating device to prevent the fuel oil from freezing during cold weather. (Effective 3/1/79).

SECTION 509. UNDERGROUND WIRING:

1. All local distribution lines for telephone or electric services, exclusive of main supply and perimeter feed lines, when located on section or quarter section lines, shall be placed entirely underground throughout the mobile home park area; provided, however, that when a mobile

home overlaps a section or quarter section line, main supply and perimeter feed lines located on such section or quarter section lines shall be placed underground.

The Board of Appeals may waive or modify this requirement where, in its judgment, circumstances exist which render compliance impractical.

2. Conduits or cables shall be placed within private easements granted to the service companies by the proprietor or developer, or within public ways. These telephone and electrical facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All telephone and electrical facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission.

SECTION 510. OFF-STREET PARKING:

Rule 925.

1. All mobile home sites shall be provided with two (2) parking spaces.
2. If on-site vehicle parking is provided, it shall be in compliance with both of the following:
 - A. The parking spaces may be either in tandem or side-by-side. If in tandem, the width shall not be less than ten (10) feet and the combined length shall not be less than forty (40) feet. If side-by-side, the combined width of the two (2) parking spaces shall not be less than nineteen (19) feet and the length shall be twenty (20) feet. In either method, the length shall be measured from the curb or inner walkway edge.
 - B. A parking space shall be hard-surfaced and shall be constructed in compliance with Act. No. 8 of the Public Acts of 1973, being R 125.1361 of the Michigan Compiled Laws.
3. If off-site vehicle parking is provided, the parking spaces shall be adjacent to the mobile home site and shall comply with rule 926(5) and (6) of these rules. (Effective 3/1/79; (1,2(a)) Amended 5/1/80; (3) Added 5/1/80.)

Rule 926.

1. Parking facilities shall be provided for the storage of mobile homes if a sales office is part of the park operation.
2. Parking facilities shall be provided for the storage of maintenance vehicles.
3. Parking facilities shall be provided at the office location for office visitors.
4. A minimum of one (1) parking space for every three (3) mobile home sites shall be provided for visitor parking located convenient to the area served.
5. If off-street parking bays are provided, they shall comply with the following:

Parking Angle	Curb Length Per Car	Bay Depth
Parallel	20 feet	10 feet
90 Degrees	10 feet	20 feet
60 Degrees	12.5 feet	19 feet
45 Degrees	12.7 feet	18 feet

6. If off-site parking facilities are provided in bays and at office or other facilities, they shall be in compliance with R 408.30427 of the Michigan Administrative Code.
7. If not provided for on-site or in parking bays, a separate parking area may be provided for vehicles that cannot be accommodated within the standards set forth in these rules, and for recreational vehicles, such as motor homes, travel trailers, and snowmobiles. (Effective 3/1/79; (5) Amended 10/1/79.)

SECTION 511. FIRE PROTECTION:

Every mobile home park shall be equipped at all times with fire extinguishing equipment in good working order of such type, size and number, and so located within the park to satisfy regulations of Public Act 419 of the Public Acts of 1976, as amended. No open fires shall be left unattended at any time. A central water system and fire hydrants must be on the park site. All streets shall be designated as fire lanes.

Rule 702a.

1. The mobile home park management shall notify each tenant upon occupancy, in writing, that the site shall be kept free of fire hazards. This information may be made a part of the park rules.
2. The mobile home park management shall notify each tenant, in writing, that if fire hydrants are available within the mobile home park, vehicular parking is prohibited within ten (10) feet of the hydrant. This information may be made a part of the park rules.
3. Each mobile home site shall be numbered and clearly marked for positive identification. Each number shall be easily readable from the street servicing the site.
4. Liquefied petroleum gas containers shall not be stored on the mobile home site when not connected to the mobile home. Any containers not connected to the mobile home shall be stored in an area designated by the park management and approved by the servicing fire department.
5. Individual mobile home liquefied petroleum gas containers and fuel oil tanks shall be installed, mounted, and secured in compliance with the National Fire Protection Association's 1974 Standard for Mobile Homes 501B, Part D, Chapter 4, paragraphs 4.2.3 and 4.3, adopted herein by reference. NFPA 501B is available from the National Fire Protection Association, 470 Atlantic Avenue, Boston MA 02210 or the Department of Commerce, Corporations and Securities Bureau, Mobile Home Division, PO Box 30222, Lansing MI 48909 at a cost of \$4.00.
6. Combustible materials shall not be stored under a mobile home. (Effective 10/1/79).

Rule 703.

1. Before a mobile home can be accepted for placement in a mobile home park, it shall be equipped with at least one (1) extinguisher with a minimum 2A-10-B-C rating and approved by a nationally recognized independent testing laboratory. It shall also be equipped with at least one (1) smoke detector approved by a nationally recognized independent testing laboratory. The mobile home park management shall notify in writing each tenant that Act No. 133 of the Public Acts of 1974, being S 125.771 et seq. of the Michigan Compiled Laws requires that all mobile homes manufactured, sold, or brought into this state shall be equipped with at least one (1) fire extinguisher and one (1) smoke detector. This information shall be included in the park rules.
2. Fire extinguishers bearing a nationally recognized independent testing laboratory and of a type approved for such service by the director of state police shall be placed in the caretaker's office and all service or recreational buildings within the park. Each fire extinguisher shall be examined periodically and shall be kept at all times in a usable condition. (Effective 7/23/78).

SECTION 512. OTHER REQUIREMENTS.

1. There shall not be less than five hundred (500) square feet of floor space within each mobile home.
2. The front yard, and any side yard adjacent to a street, shall be landscaped within one (1) year of occupancy, and the entire mobile home park shall be maintained in a good, clean, presentable condition at all times.
3. No business of any kind shall be conducted in any mobile home park except for separate, permanent structures that contain facilities such as the Management's office, laundry and dry cleaning facilities or similar uses that are designed to serve only the residents of the park, except for businesses allowed under the home occupation Section 4.01. This shall not prevent model mobile homes from being displayed and sold, subject to the park's approval.
4. All mobile homes shall be skirted within thirty (30) days of placement, weather permitting.
5. All fences, other than the greenbelt surrounding the mobile home park, shall be uniform in height, and shall not exceed thirty-six (36) inches in height, and shall be constructed in such a manner as to provide firefighters access to all sides of each mobile home.
6. Mobile home foundations shall meet the requirements of Act 96 of the Public Acts of 1987, as amended.

Rule 602.

1. For all new mobile homes sold in Michigan, the manufacturer shall provide express written instructions for the installation specifying the location and required minimum imposed load capacity of pillars and the location and required minimum imposed load capacity of any other recommended stabilizing devices.

2. In the absence of the manufacturer's installation instructions, the installation of mobile homes shall, at a minimum, comply with the following specifications (Amended 7/17/85):
 - A. Pillars shall be installed directly under each main frame beam. If the distance between the main frame beams does not conform to the pad or pillars that are permanently installed on the mobile home site, cross beams shall be used. These cross beams may be of steel, or pressure-treated wood which resists decay, and has an imposed load capacity of 3,000 pounds per square foot (PSF). The cross beams shall extend a minimum of six (6) inches beyond each main frame beam, but shall not extend beyond the sides of the mobile home. A wood beam shall not rest on the ground, but shall rest on the cap. If the cross beam interferes with a utility to the mobile home, the cross beam placement may be between blocks. If a cross beam is used between blocks, it shall be a minimum of six inches by eight inches (6" x 8").
 - B. Pillars shall be placed on ten (10) foot centers along the length of each main frame beam, but may be placed at less than ten (10) foot centers. If the pillars interfere with the axle area, they may be placed to a maximum of thirteen (13) foot centers, but the pillar placement shall not be less in number than if placed on ten (10) foot centers.
 - C. The pillars nearest each end of the mobile home shall be within three (3) feet of either end.
 - D. All grass and organic material shall be removed and the pillar or platform shall be placed on stable soil.
 - E. Pillars shall be constructed of solid concrete, cored concrete blocks unless other cored concrete blocks are supplied by the consumer, or a heavy metal screw column which bears on both frame and foundation or other acceptable design and construction meeting mobile home industry standards.
 - F. Concrete block pillars shall be constructed of regular eight inch by eight inch by sixteen inch (8" x 8" x 16") blocks and placed on the pillar platform. The blocks shall be placed with the open cells vertical and the blocking of the pillar shall be single tiered. A cap shall be placed on top of the pillar. A wood plate one inch by eight inches by sixteen inches (1" x 8" x 16") or two inches by eight inches by sixteen inches (2" x 8" x 16") may be placed on top of the cap for leveling. Shims may be fitted and driven tight between the wood plate or cap and the main frame and shall not take up more than one (1") inch of vertical height.
 - G. Pillars shall be installed perpendicular to the main frame of the mobile home.
3. Solid concrete pillars may be of cone or pyramid design with a minimum sixteen (16) inch base tapered to a minimum of nine (9) inch top. Shimming shall be the same as for the concrete block pillar.
4. All pillars shall have a minimum imposed load capacity of three thousand (3,000) pounds.
5. If the manufacturer's recommended installation specifications or their equivalent exceed the minimum specifications stated in these rules, the manufacturer's specifications shall in all cases be complied with. The burden of reasonable proof of equivalency rests with the installer/repairer. (Amended 10/21/82).
6. Mobile homes may be installed on a basement or crawlspace type foundation, if the foundation complies with local building codes and ordinances and meets the manufacturer's specifications for pillar placement and imposed load capacity. (Effective 7/24/78).
7. Mobile homes shall not be placed in a designated floodway, as determined by the Michigan Department of Natural Resources. (Effective 4/1/83).
8. Mobile homes which are sited within a floodplain shall have installed an anchoring system in compliance with R 125.1605 to R 125.1608. (Effective 4/1/83).

Rule 602a.

All components used in the installation of a mobile home, such as platforms and pillars, shall be uniform in construction and shall be compatible with any existing system that may be installed on the mobile home site. (Effective 5/1/80).

1. No personal property shall be stored under any mobile home. Storage sheds may be utilized for any such storage but need not be supplied by the owner of the mobile home development.

2. The business of selling new and/or used mobile homes as a commercial operation in connection with the operation of a mobile home development is prohibited. New or used mobile homes located on lots within the mobile home development to be used and occupied on that site may be sold by a licensed dealer and/or broker. This section shall not prohibit the sale of a used mobile home by a resident of the mobile home development provided the development permits the sale.
3. All mobile homes shall be anchored with an approved anchoring system in compliance with Public Act 96 of the Public Acts of 1987, as amended. The mobile home owner shall be responsible for maintaining the anchoring system in accordance with the manufacturer's instructions.

Rule 605.

1. A mobile home anchoring system that is sold or manufactured or installed within this state shall comply with all of the following provisions: (Amended 7/17/85).
 - A. Be designed and constructed in compliance with the United States Department of Housing and Urban Development regulations entitled "Mobile Home Construction and Safety Standards," which are adopted herein by reference. Copies of the standards may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402 at a cost of \$7.00, or from the Department of Commerce, Corporation and Securities Bureau, Mobile Home Division, PO Box 30222, Lansing MI 48909 at a cost of \$7.00. (Amended 10/21/82; Amended 7/17/85).
 - B. Be installed in compliance with the manufacturer's specifications.
 - C. Be approved for sale and use within this state by the Michigan Construction Code Commission.
2. An anchoring system that is sold in this state shall be certified in writing by the manufacturer as meeting the standards required by these rules.
 - A. Be installed in compliance with the manufacturer's specifications.
 - B. Be approved for sale and use within this state by the Michigan Construction Code Commission.
3. An anchoring system that is sold in this state shall be certified in writing by the manufacturer as meeting the standards required by these rules.
4. A manufacturer shall furnish and ship with each approved anchor system information pertaining to the type or types of soils the system has been tested and certified to be installed in, and instructions as to the method of installation and periodic maintenance required.
5. Model number shall be permanently marked on each anchor system.

Rule 606.

1. To obtain approval to sell a mobile home anchoring system in this state, each system's manufacturer shall, in letter form, submit a request for approval to the Michigan Construction Code Commission.
2. The following exhibits shall be attached to the request for approval letter:
 - A. Detailed drawings of each type of anchor system, containing, but not limited to, brand name, name and address of manufacturer, model identification, all dimensions, type and location of welds or fastenings, type of materials, tie method, and ground anchor method. Each drawing shall bear the seal of an engineer who is registered in the state of the anchor system's manufacturer or the State of Michigan.
 - B. Certified test results that were conducted by an accredited independent testing laboratory or engineering firm which shall include, but is not limited to:
 - 1) Model tested as described in the engineering drawings.
 - 2) Method of installation.
 - 3) Date of installation.
 - 4) Date of test or tests.
 - 5) Type of test or tests.
 - 6) Date and type of field test.
 - 7) Soil profile description or descriptions in which tests were conducted.
 - 8) Test equipment used.
 - 9) Ground anchor used.

- 10) Pounds of force exerted and resultant uplift of the anchor system.
- 11) Failure point of the anchor system.
- 12) A copy of the installation and periodic maintenance instructions that shall be provided with each model. (Effective 3/1/79).

Rule 607.

Changes in design, construction, and materials used in an approved model shall not be made. If changes are made to an approved system by the manufacturer, the revised model shall be resubmitted to the Michigan Construction Code Commission for approval to R 125.1606. (Effective 3/1/79).

Rule 608.

Within ninety (90) days after receipt of the anchoring systems manufacturer's request for approval, the Michigan Construction Code Commission may approve or disapprove the system for sale and installation in the state. The manufacturer shall be notified by certified mail of the action taken. (Effective 3/1/79).

Rule 609.

As a condition of licensing, an installer and repairer shall maintain liability insurance to cover any loss or injury which may arise from faulty workmanship in the installation and repair of a mobile home. Finished product liability shall not be a condition of the insurance coverage required by this rule. (Effective 5/1/80).

SECTION 513. SITE PLAN REVIEW:

A site plan shall be submitted to the Planning Commission for recommendation to the City Council, for their approval, and in accordance with the following:

1. Every site plan submitted to the Planning Commission shall be in accordance with the requirements of this Ordinance. No site plan shall be approved until same has been reviewed by the Building Inspector, Fire Department, Police Department, Sewer and Water Department, Oakland County Road Commission and Drain Commission, and where necessary, the Oakland County Health Department for compliance with the standards of their respective departments.
2. The following information shall be included on the site plan:
 - A. A scale of not less than one (1) inch equals one hundred (100) feet.
 - B. The area of the site in acres.
 - C. Date and northpoint.
 - D. The dimensions of all property lines, showing the relationship of the subject property to abutting properties.
 - E. The location of all existing and proposed structures on the subject property and all existing structures within fifty (50) feet of the subject property.
 - F. The location of all existing and proposed service drives, sidewalks, parking areas, greenbelts (specify type of planting), and individual mobile home sites.
 - G. The locations and existing and proposed right-of-way widths of all abutting streets and alleys.
 - H. Topography at no greater than two (2) foot contour intervals.
 - I. A vicinity sketch at a scale of at least one inch equals two thousand feet (1" = 2,000').
 - J. The names and addresses of the architect, planner, designer, or person responsible for the preparation of the site plan.
 - K. Trash receptacle locations and methods of screening.
 - L. A landscape plan must be submitted.
3. In the process of reviewing the site plan, the Planning Commission shall consider:
 - A. The location and design of driveways providing vehicular ingress to and egress from the site in relation to streets giving access to the site, and in relation to pedestrian traffic.
 - B. The traffic circulation features within the site and the location of automobile parking area. The Planning Commission may recommend such requirements with respect to any matter as will assure:
 - 1) Safety and convenience of both vehicular and pedestrian traffic within the site and in relation to access streets.

- 2) Satisfactory and harmonious relationship between development on the site and existing and prospective development of contiguous land and adjacent neighborhoods.
4. Actual construction of the mobile home park shall be in accordance with Section 11 of Act 96 of the Public Acts of 1987, as amended, and with the approved site plan. Any change in the plan must be submitted to the Planning Commission and Department of Commerce for re-review.

SECTION 514. PRELIMINARY PLAN:

1. A person who desires to develop a mobile home park or seasonal mobile home park shall submit a preliminary plan to the appropriate municipality, local health department, county road commission, and county drain commission for preliminary approval. The preliminary plan shall include the location, layout, general design, and a general description of the project. The preliminary plan shall not include detailed construction plans.
2. The municipality may grant preliminary approval if the proposed mobile home park or seasonal mobile home park conforms to applicable laws and local ordinances not in conflict with this act and laws and ordinances relative to:
 - A. Land use and zoning.
 - B. Municipal water supply, sewage service, and drainage.
 - C. Compliance with local fire ordinances and state fire laws.
3. The County Drain Commission shall review and may approve outlet drainage. The County Road Commission and the County Drain Commission shall review and may approve ingress and egress roads. The County Road Commission and the County Drain Commission shall adopt and publish standards to implement this subsection. The County Road Commission and the County Drain Commission shall not have authority as to interior streets and drainage in the mobile home park or seasonal mobile home park, unless the streets or drains are dedicated to the public.
4. The local health department shall grant preliminary approval, under the guidance of the Department of Public Health, for an on-site water and sewage service and general site suitability.
5. If a reviewing agency as provided in this section has not returned the preliminary plan to the developer, either approved, modified, or disapproved within sixty (60) days after it receives the preliminary plan, the preliminary plan shall be considered approved.
6. Coordination of approvals by state and local governments shall be provided by the Director of Public Health before it may grant construction approval.
7. The developer shall submit the preliminary approval with the final plans to the Department of Public Health for review before the Department of Commerce may issue a construction permit.

SECTION 515. SPECIAL LAND USES PERMITTED:

The following uses may be permitted under the purview of Section 1818 upon review of the special land use or activity by the Planning Commission and after City Council approval, after site plan review, and subject further to such other reasonable conditions which, in the opinion of the City Council, are necessary to provide adequate protection to the neighborhood and to abutting properties:

1. Utility and public service substations.

ARTICLE VI

RM-1 (LOW RISE), RM-2 (LOW RISE), AND RM-3 (HIGH RISE), MULTIPLE FAMILY RESIDENTIAL DISTRICTS

PREAMBLE

The RM-1 (Low Rise) and RM-2 (Low Rise) Multiple Family Residential Districts are designed to provide sites for multiple dwelling structures with height restrictions compatible with one (1) family residential districts, to serve the limited needs for the apartment type of unit in an otherwise one (1) family residential community, and to provide zones of transition. The RM-1 (Low Rise) District is intended generally for the development of a planned complex of buildings on acreage parcels. The RM-2 District is intended for limited usage in areas where land use transition is desired, and lower density than RM-3 is desired. The RM-3 (High Rise) Multiple Family Residential District is established to provide sites for higher density multiple dwelling structures characterized by height in excess of two and one-half (2 1/2) stories. This District is further designed to provide for extensive open space settings for multiple high rise structures.

SECTION 600. PRINCIPAL USES PERMITTED:

In the RM-1, RM-2, and RM-3 Multiple Family Districts, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance:

1. Two (2) family dwellings (RM-1 or RM-2 Districts only).
2. Multiple Family dwellings.
3. Accessory buildings and accessory uses customarily incidental to any of the above principal uses permitted.
4. Uses determined to be similar to the above principal permitted uses in accordance with the criteria set forth in Section 1827 and which are not listed below as special land uses.

SECTION 601. SPECIAL LAND USES PERMITTED:

The following uses may be permitted under the purview of Section 1818 by the City Council, after site plan review and Public Hearing by the Planning Commission, and subject further to such other reasonable conditions which, in the opinion of the City Council, are necessary to provide adequate protection to the health, safety, general welfare, morals and comfort of the abutting property, neighborhood and City of Auburn Hills:

1. Boarding and rooming dwellings.
2. All R (One Family Residential) Special Land Uses not allowed herein as Principal Permitted Uses.
3. Convalescent homes, provided the following conditions are met:
 - A. Each convalescent home shall be located on a parcel of property no less than three (3) acres in site size (net).
 - B. Each home shall have all ingress and egress to the facility directly from a planned major thoroughfare with an existing or proposed right-of-way of not less than one hundred and twenty (120) feet.
 - C. Each unit shall be a minimum of three hundred (300) square feet in floor area.
 - D. Each development shall have a maximum coverage of all buildings on the site of no more than thirty (30%) percent of the net site area. Unit density shall not exceed twenty (20) units per acre.
 - E. Buildings may exceed two (2) stories or twenty-five (25) feet in height, provided that minimum setback requirements shall be increased by one (1) foot for each one (1) foot in height of the building over two (2) stories.
 - F. Front yard setbacks shall be a minimum of forty (40) feet. Side and rear yard setbacks shall be a minimum of thirty (30) feet.
 - G. Each facility shall provide on site a minimum of one (1) parking space for every four (4) beds within the facility at maximum occupancy, plus one (1) space for each one (1) employee.

- H. Each facility shall provide as part of the entire development a minimum of one thousand (1,000) square feet of open space for every one (1) bed at maximum capacity, of which four hundred (400) square feet must be kept in approved landscaping.
 - I. No portion of a building face shall exceed two hundred (200) feet in length, except after the provision of a horizontal building face offset of at least thirty (30) feet in depth. With such an offset, the maximum building length can be increased to four hundred (400) feet. Building elements in excess of two hundred (200) feet in length can further be interconnected by a building element having a minimum width of fifty (50) feet, which also varies by a minimum of one (1) story in height from the building elements on either side. In conjunction with these standards, the total building complex can have no elevation exceeding six hundred (600) feet in length.
 - J. In all convalescent home projects where fifty (50) or more units may be developed on a total parcel, or as part of a total complex, a main collector service drive with a width of at least twenty-four (24) feet back-of-curb to back-of-curb with a four (4) foot wide walkway along one (1) side (total width of five (5) feet) may be required by the City Council and, if required, shall be built according to current City standards for collector thoroughfares. Easements for private collector thoroughfares shall also be provided to the City of Auburn Hills. All such interior dedicated rights-of-way or easements may be utilized for density computations.
4. Senior citizen congregate care living facilities and independent housing for the elderly facilities, provided the following conditions are met:
- A. Each project shall be located on a parcel of property no less than three (3) acres in site size (net).
 - B. Each project shall have all means of ingress and egress to the site directly from a planned major thoroughfare with an existing or proposed right-of-way of not less than one hundred and twenty (120) feet.
 - C. In independent housing for the elderly facilities all efficiency and one (1) bedroom units shall be a minimum of five hundred and fifty (550) square feet, and all two (2) bedroom units shall be a minimum of eight hundred (800) square feet. No unit with more than two (2) bedrooms shall be allowed.
 - D. The maximum coverage of all buildings on each site shall total no more than thirty (30%) percent of the net site area. Unit density shall not exceed twenty (20) units per acre.
 - E. Buildings may exceed two (2) stories or twenty-five (25) feet in height, provided the minimum setback requirements shall be increased by one (1) foot for each one (1) foot in height of the building over two (2) stories.
 - F. Front yard setbacks shall be a minimum of fifty (50) feet. Side and rear yard setbacks must be a minimum of thirty (30) feet.
 - G. Each independent or congregate housing for the elderly project shall provide on site a minimum of one-half (1/2) parking space for each one (1) unit, plus one (1) space for each one (1) employee.
 - H. Each project shall provide as part of the entire development a minimum of one thousand five hundred (1,500) square feet of open space for each one (1) unit, of which six hundred (600) square feet must be kept in approved landscaped areas.
 - I. No portion of a building face shall exceed two hundred (200) feet in length, except after the provision of a horizontal building face offset of at least thirty (30) feet in depth. With such an offset, the maximum building length can be increased to four hundred (400) feet. Building elements in excess of two hundred (200) feet in length can further be interconnected by a building element having a minimum width of fifty (50) feet, which also varies by a minimum of one (1) story in height from the building elements on either side. In conjunction with these standards, the total building complex can have no elevation exceeding six hundred (600) feet in length.
 - J. In all congregate care developments where fifty (50) or more units may be developed on a total parcel, or a part of a total complex, a main collector service drive with a width of at least twenty-four (24) feet back-of-curb to back-of-curb with a four (4) foot wide walkway along one (1) side (total width of five (5) feet) may be required by the City Council and, if required, shall be built according to current City standards for collector thoroughfares.

Easements for private collector thoroughfares shall also be provided to the City of Auburn Hills. All such interior dedicated rights-of-way or easements may be utilized for density computations.

5. U.S. Department of Housing and Urban Development, Section 202 Housing Facilities provided the following conditions are met:
 - A. Each project shall be located on a parcel of property no less than three (3) acres in site size (net).
 - B. Each project shall have all means of ingress and egress to the site directly from a planned major thoroughfare with an existing or proposed right-of-way of not less than one hundred and twenty (120) feet.
 - C. All units shall be a minimum of five hundred and thirty-five (535) square feet.
 - D. The maximum coverage of all buildings on each site shall total not more than forty (40%) percent of the net site area. Unit density shall not exceed thirty (30) units per acre.
 - E. Buildings may exceed two (2) stories or twenty-five (25) feet in height, provided that minimum setback requirements shall be increased by one (1) foot for each one (1) foot in height of the building over two (2) stories.
 - F. Front yard setbacks shall be a minimum of fifty (50) feet. Side and rear yard setbacks must be a minimum of thirty (30) feet.
 - G. Each project shall provide on site a minimum of one (1) parking space for each one (1) unit, plus one (1) space for each one (1) employee.
 - H. Each project shall provide as part of the entire development a minimum of one thousand five hundred (1,500) square feet of open space for each one (1) unit, of which six hundred (600) square feet must be kept in approved landscaped areas.
 - I. The maximum length of any building along any one (1) facade shall be no more than two hundred and fifty (250) feet.
 - J. In all developments where fifty (50) or more units may be developed on a total parcel, or as a part of a total complex, a main collector service drive with a width of at least twenty-four (24) feet back-of-curb to back-of-curb with a four (4) foot wide walkway along one (1) side (total width of five (5) feet) may be required by the City Council and, if required, shall be built according to current City standards for collector thoroughfares. Easements for private collector thoroughfares shall also be provided to the City of Auburn Hills. All such interior dedicated rights-of-way or easements may be utilized for density computations.
6. Utility and public service facilities and uses (without storage yards) such as gas regulator stations and substations only when operating requirements necessitate the locating of such facilities within the District in order to serve the immediate vicinity.
7. Farms, except livestock, when on parcels totaling five (5) acres or more. The keeping of a horse may be permitted and shall require at least two (2) acres for the first horse, plus one (1) acre for each additional horse. In no instance shall the keeping of a horse be allowed in subdivisions on platted lots of less than two (2) acres.
8. Accessory buildings and accessory uses customarily incidental to any of the above special land uses permitted.
9. Special land uses determined to be similar to the above special land uses in accordance with the criteria set forth in Section 1828.

SECTION 602. AREA AND BULK REQUIREMENTS:

See Article XVII, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density permitted.

ARTICLE VII O, OFFICE DISTRICTS

PREAMBLE

The O Office Districts are designed to accommodate office uses. Office may be used as zones of transition between non-residential uses and major thoroughfares, and residential uses.

(Amended: 7-09-01 per Ordinance No. 684)

SECTION 700. PRINCIPAL USES PERMITTED:

In the O Office Districts no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance:

1. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales, subject to the limitations contained below in Section 701, Required Conditions.
2. Medical offices and outpatient clinics. 24 hour emergency care facilities shall not be permitted in this district.
3. Accessory buildings and accessory uses customarily incidental to any of the above principal permitted uses.
4. Uses determined to be similar to the above principal permitted uses in accordance with the criteria set forth in Section 1827 and which are not listed below as special land uses.

(Amended: 7-09-01 per Ordinance No. 684)

SECTION 701 SPECIAL LAND USES PERMITTED:

The following uses may be permitted under the purview of Section 1818 by the City Council, after site plan review and Public Hearing by the Planning Commission, and subject further to such other reasonable conditions which, in the opinion of the City Council, are necessary to provide adequate protection to the health, safety, general welfare, morals and comfort of the abutting property, neighborhood and City of Auburn Hills:

1. Nursery schools, day nurseries and child care centers provided the following conditions are met:
 - A. Such facilities shall be located on major thoroughfares with an existing or proposed right-of-way of one hundred and twenty (120) feet.
 - B. Any area not used for parking in the front yard shall be kept in lawn, and landscaped in accordance with Section 1808.
 - C. Outdoor play areas shall be in the side or rear yard in the amount of one hundred (100) square feet for each child cared for, but at least a minimum of one thousand two hundred (1,200) square feet.
 - D. Whenever the school or center abuts a residential district, parking, drop off, and play areas shall be screened with an obscuring six (6) foot fence or wall, four foot six inch (4'6") high berm with landscaping in accordance with Section 1808, a twenty (20') foot wide greenbelt landscaped in accordance with Section 1808, or a combination of the above, whichever in the opinion of the Planning Commission and City Council, achieves the objective of screening and controlling noise levels.
 - E. Any other conditions which the Planning Commission and City Council deem necessary to assure that the residential character of the abutting neighborhood shall be maintained.
 - F. 24 hour facilities shall not be permitted abutting residential zoned property in this district.
2. Accessory buildings and accessory uses customarily incidental to any of the above special land uses permitted.
3. Special land uses determined to be similar to the above special land uses in accordance with the criteria set forth in Section 1828.

(Amended: 7-09-01 per Ordinance No. 684)

SECTION 702. REQUIREMENTS FOR ALL USES:

All uses shall be subject to the following requirements:

1. The outdoor storage of goods or materials shall be prohibited regardless of whether or not they are for sale.
2. Warehousing or indoor storage of goods or material, beyond that normally incidental to the above permitted uses, shall be prohibited.
3. Illumination of the business, and all vehicular and loading traffic, shall be controlled or channeled so as to not allow glare into the adjacent residential district, and shall be subject to the requirements of Section 1810, Exterior Lighting.

(Amended: 7-09-01 per Ordinance No. 684)

SECTION 703. AREA AND BULK REQUIREMENTS:

See Article XVII, Scheduled of Regulations, limiting height and bulk of buildings.

(Amended: 7-09-01 per Ordinance No. 684)

ARTICLE VIII

B-1, LIMITED BUSINESS DISTRICTS

PREAMBLE

The B-1 Limited Business Districts are designed to accommodate office uses, office sales uses and basic personal retail service businesses, and may be utilized as zones of transition for buffering purposes.

(Amended: 7-09-01 per Ordinance No. 684)

SECTION 800. PRINCIPAL USES PERMITTED:

In the B-1 Business Districts no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance:

1. Office buildings for executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales occupations.
2. Medical offices and outpatient clinics. 24 hour emergency care facilities shall not be permitted in this district.
3. Restaurants (without outdoor seating or facilities) when located within a planned shopping center. Drive-through and drive-in restaurants shall not be permitted in the district.
4. Retail businesses normally associated with and complementary to Office and Local Business Districts, such as the following: Stationery Shops, Beauty Shops, Office Supplies, Barber Shops, Office Machine Repair, Flower Shops, Office Clerical Service, Book Binding Equipment & Supplies, Office Machines & Equipment, Book Sales, Business Schools, Card Shops, Office Machine Training, Photograph Studios, Printing Services, Gift Shops, Pharmacies, Answering Services, Delivery Service, Church & Religious Supplies, Jewelry & Coin Shops, Computer Supplies, Ticket Sale Outlets, Computer Sales & Service, Copy Machine Sales & Services, Drafting & Art Supplies, Typewriter Repair & Supplies, Health Food Stores, Secretarial Services, Safety Deposit Box Rentals
5. Accessory buildings and accessory uses customarily incidental to any of the above principal uses permitted.
6. Uses determined to be similar to the above principal permitted uses in accordance with the criteria set forth in Section 1827 and which are not listed below as special land uses.

(Amended: 7-09-01 per Ordinance No. 684)

SECTION 801. SPECIAL LAND USES PERMITTED:

The following uses may be permitted under the purview of Section 1818 by the City Council, after site plan review and Public Hearing by the Planning Commission, and subject further to such other reasonable conditions which, in the opinion of the City Council, are necessary to provide adequate protection to the health, safety, general welfare, morals and comfort of the abutting property, neighborhood and City of Auburn Hills.

1. Utility and public service facilities and uses (without storage yards) such as gas regulator stations and electrical substations.
2. Residential uses as part of a building in a business zone shall be allowed upon issuance of a Certificate of Occupancy from the Building Department, and provided that the minimum floor areas of the RM Districts shall be met.
3. Nursery schools, day care nurseries and centers, and child care centers provided the following conditions are met:
 - A. Such facilities shall be located on major thoroughfares with an existing or proposed right-of-way of one hundred and twenty (120) feet.
 - B. Any area not used for parking in the front yard shall be kept in lawn and landscaped in accordance with Section 1808.
 - C. Outdoor play areas shall be in the side or rear yard in the amount of one hundred (100) square feet for each child cared for, but at least a minimum of one thousand two hundred (1,200) square feet.

- D. Whenever the school or center abuts a residential district, parking, drop off, and play areas shall be screened with an obscuring six (6) foot fence or wall, four foot six inch (4'6") high berm with landscaping or a twenty (20') foot wide greenbelt landscaped in accordance with Section 1808, or a combination of the above, whichever in the opinion of the Planning Commission and City Council achieves the objective of screening and controlling noise levels.
- E. Any other conditions which the Planning Commission and City Council deem necessary to assure that the residential character of the neighborhood shall be maintained.
- F. 24 hour facilities shall not be permitted abutting residential zoned property in this district.
- 4. Banks and credit unions provided the following conditions are met:
 - A. Drive-up windows shall provide at least ten (10) queuing spaces eighteen (18) feet long by ten (10) feet wide for each station. The lane containing the queuing spaces shall be separate and distinct from other access drives and maneuvering lanes for parking spaces. The queuing space lanes shall have a clear width of ten (10) feet and be physically separated from access drives, maneuvering lanes and parking spaces with a landscaped area five (5) feet wide with raised curbs on all sides.
 - B. Drive-up stations shall provide at least five (5) queuing spaces eighteen (18) feet long by ten (10) feet wide for each station. The lane containing the queuing spaces shall be separate and distinct from other access drives and maneuvering lanes for parking spaces. The queuing space lane shall have a clear width of ten (10) feet and be physically separated from access drives, maneuvering lanes and parking spaces with a landscaped area five (5) feet wide with raised curbs on all sides.
- 6. Accessory buildings and accessory uses customarily incidental to any of the above special land uses permitted.
- 7. Special land uses determined to be similar to the above special land uses in accordance with the criteria set forth in Section 1828.

(Amended: 7-09-01 per Ordinance No. 684)

SECTION 802. REQUIREMENTS FOR ALL USES

All uses shall be subject to the following requirements:

- 1. No interior display shall be visible from the exterior of the building, and the total area devoted to display, including both the objects displayed and the floor space set aside for persons observing the display objects, shall not exceed twenty-five (25%) percent of the usable floor area of either the first or second story, or in the basement.
- 2. The outdoor storage of goods or materials shall be prohibited regardless of whether or not they are for sale.
- 3. Warehousing or indoor storage of goods or materials, beyond that normally incidental to the above permitted uses, shall be prohibited

(Amended: 7-09-01 per Ordinance No. 684)

SECTION 803. AREA AND BULK REQUIREMENTS:

See Article XVII, Scheduled of Regulations, limiting height and bulk of buildings.

(Amended: 7-09-01 per Ordinance No. 684)

ARTICLE IX B-2, GENERAL BUSINESS DISTRICTS

PREAMBLE

The B-2 General Business Districts are intended to serve the overall shopping needs of residents both within and beyond the City including convenience, comparison and highway needs.

SECTION 900. PRINCIPAL USES PERMITTED:

In the B-2 General Business Districts no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance:

1. Any Principal Uses Permitted in the O Office Districts or B-1 Limited Business Districts.
2. Any generally recognized retail business which supplies commodities on the premises, such as, but not limited to, groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, notions or hardware, and household goods or products such as furniture, carpeting and lighting fixtures.
3. Any personal service establishment which performs services on the premises, such as, but not limited to, shoe repair shops, tailor shops, beauty parlors, or barber shops.
4. Professional offices of doctors, lawyers, dentists, chiropractors, osteopaths and similar or allied professions.
5. Banks with drive-in facilities may be permitted when said drive-in facilities are incidental to the principal function, and subject to the following conditions:
 - A. Drive-up windows shall provide at least ten (10) queuing spaces eighteen (18) feet long by ten (10) feet wide for each station. The lane containing the queuing spaces shall be separate and distinct from other access drives and maneuvering lanes for parking spaces. The queuing space lane shall have a clear width of ten (10) feet and be physically separated from access drives, maneuvering lanes and parking spaces with a landscaped area five (5) feet wide with raised curbs on all sides.
 - B. Drive-up stations shall provide at least five (5) queuing spaces eighteen (18) feet long by ten (10) feet wide for each station. The lane containing the queuing spaces shall be separate and distinct from other access drives and maneuvering lanes for parking spaces. The queuing space lane shall have a clear width of ten (10) feet and be physically separated from access drives, maneuvering lanes and parking spaces with a landscaped area five (5) feet wide with raised curbs on all sides.
6. Any retail business, service establishments or processing uses such as the following:
 - A. Any retail business whose principal activity is the sale of new merchandise in any enclosed building.
 - B. Any service establishment of an office-showroom or workshop nature of an electrician, decorator, dressmaker, tailor, shoemaker, baker, printer, upholsterer, or an establishment doing radio, television or home appliance repair, photographic reproduction, and similar establishments that require a retail adjunct.
7. Restaurants, or other places serving food or beverage (without drive-through or drive-in facilities), when located within a planned shopping center.
8. Accessory buildings and accessory uses customarily incidental to any of the above principal uses permitted.
9. Uses determined to be similar to the above principal permitted uses in accordance with the criteria set forth in Section 1827 and which are not listed below as special land uses.

(Amended: 11-11-02 per Ordinance No. 710)

(Amended: 5-15-06 per Ordinance No. 779)

SECTION 901. REQUIREMENTS FOR ALL PRINCIPAL USES:

1. All business establishments, including contractors or builders, shall be retail or service establishments dealing directly with consumers, and without wholesale outdoor storage activities on site. All goods produced on the premises shall be sold at retail on the premises where

- produced. Uses with incidental wholesale activities shall be considered to be Special Land Uses and shall meet the requirements of Section 1818.
2. All business, except for off-street parking and loading, shall be conducted within a completely enclosed building. No outdoor storage shall be allowed.
 3. All business uses adjacent to freeway feeder roads shall meet the following additional requirements:
 - A. Barriers: All development shall be physically separated from the feeder road by a curb, planting strip or other suitable barrier. Such barrier shall effectively eliminate unchanneled vehicle ingress or egress except for authorized accessways.
 - B. Accessways: Each separate use, grouping of buildings, or grouping of uses as a part of a single planned development shall not have more than two (2) accessways from a feeder road. Such accessways shall not be located closer than three hundred (300) feet to the point of an intersection of an entrance or exit ramp baseline and the feeder road centerline. In cases where the ramp baseline and the feeder road centerline do not intersect, no accessway shall be located closer than three hundred (300) feet from point of tangency of the ramp baseline and the feeder road pavement. In those instances where properties fronting on a feeder road are of such width or are in multiple ownership, and accessways to the property cannot be provided in accordance with the minimum three hundred (300) foot distance from the intersection of feeder road and entrance or exit ramps, a marginal access road shall be provided to service such properties.
 4. Cross-Access Interior Drives: Cross-access interior drives, or drives that will allow vehicles to move from one site to another without entering the frontage street, are strongly encouraged and may be required at the discretion of the City Council.

(Amended: 11-11-02 per Ordinance No. 710)

SECTION 902. SPECIAL LAND USES PERMITTED:

The following uses may be permitted under the purview of Section 1818 by the City Council, after site plan review and Public Hearing by the Planning Commission, and subject further to such other reasonable conditions which, in the opinion of the City Council, are necessary to provide adequate protection to the health, safety, general welfare, morals and comfort of the abutting property, neighborhood and City of Auburn Hills:

1. Any Principal Uses Permitted which require outdoor storage of materials or equipment. Such uses shall meet the requirements of Section 1807.
2. Funeral homes subject to the following requirements:
 - A. The site shall be so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession. This assembly shall be provided in addition to any required off-street parking area.
 - B. The site shall be located so as to have at least one (1) property line abutting a major thoroughfare having an existing or proposed right-of-way of at least one hundred and twenty (120) feet, and all ingress and egress for the site shall be directly onto said major thoroughfare, or an adjacent marginal access service drive.
 - C. Points of ingress and egress for the site shall be so laid out as to minimize possible conflicts between traffic on adjacent thoroughfares and funeral processions, or visitors entering or leaving the site.
 - D. No building shall be located closer than fifty (50) feet to the outer perimeter (property line) of the District when said property line abuts any residential district.
 - E. A caretaker's residence may be provided within the main building of the mortuary establishment.
 - F. Loading and unloading area used by ambulance, hearse, or other such service vehicles shall be obscured from all residential view with a solid masonry wall, fence or greenbelt in accordance with Section 1808.

3. Commercially used outdoor recreational space for adult or children's amusement parks, carnivals, rebound tumbling facilities, miniature golf course, and golf driving ranges, subject to the following:
 - A. Children's amusement parks must be screened on all sides with a minimum four foot six inch (4'6") wall or other screening in accordance with Section 1808.
 - B. Rebound tumbling facilities must be fenced on all sides used for trampoline activity. Said fence shall be no less than six (6) feet high and shall have a capping which provides safety. Pits shall not exceed four (4) feet in depth, shall be drained at all times and filled with earth to grade when the use is discontinued. All manufacturer's specifications for spacing, safety and construction shall be complied with.
 - C. No loudspeaker or public address system shall be used except with City Council approval wherein it is deemed that no public nuisance or disturbance will be established.
4. Indoor Family Theaters.
5. Open air business uses when developed in a planned relationship with the B-2 General Business District such as retail sales of plant material not grown on the site, and sales of lawn furniture, playground equipment, and other garden supplies.
6. Bowling alleys, and other indoor recreation uses such as billiard parlors, pinball arcades, video arcades and similar electronic amusement devices, and racquetball courts. Such use shall be located at least one hundred (100) feet from any front, rear or side yard of any residential lot or parcel in an adjacent residential district.
7. New motels, hotels, and conference centers, or the expansion of existing motels, hotels, and conference centers, shall only be permitted in the B-2, General Business Districts via Section 1830. Planned Unit Development Option. The decision to approve a Planned Unit Development allowing a motel, hotel, and/or conference center, or the expansion of an existing motel, hotel, and/or conference center, in the B-2, General Business Districts shall be at the sole discretion of the City Council, after recommendation from the Planning Commission. An applicant shall not have the right to seek relief from this section to the Zoning Board of Appeals. Motels, hotels, and conference centers approved by the City Council in the B-2, General Business Districts before February 17, 2020 shall be considered legally conforming and subject to the Zoning Ordinance standards and conditions in effect at the time of the City approval.
8. Veterinary hospitals or clinics, provided all activities are conducted within a totally enclosed building, and provided further that no abutting property shall be zoned R, RM, MHP, or residential uses in the SP Special Purpose District.
9. Utility and public service facilities and uses (without storage yard) such as gas regulator stations and electrical substations only when operating requirements necessitate the locating of such facilities within the District in order to serve the immediate vicinity.
10. Sport stadiums or arenas, provided the following conditions are met:
 - A. All planned stadium sites shall be located on parcels capable of providing paved parking for a minimum of two thousand five hundred (2,500) spectator vehicles.
 - B. All sites shall have direct access to major thoroughfares of at least one hundred and twenty feet (120') in existing or proposed right-of-way.
 - C. All sports stadiums or arenas shall be an integral part of a planned complex or integrated site plan which shall contain ancillary activities such as restaurants, hotels, motels, or offices.
11. Residential uses as part of a building in a business zone shall be allowed upon issuance of a Certificate of Occupancy from the Community Development Department, and provided that the minimum floor areas of the RM Districts shall be met.
12. Bus passenger stations and parking garages provided that parking garages are located at least two hundred (200) feet from any R, RM, MHP or residential uses in the SP Special Purpose District, and seventy-five (75) feet from the intersection of any two (2) street right-of-way lines.
13. Overnight camping facilities for tents, campers, and travel trailers shall be allowed provided the following conditions are met:
 - A. There shall be no permanent storage of tents, campers, and travel trailers; and mobile home units will not be allowed in the development.
 - B. Sanitary facilities must meet the minimum requirements of the Oakland County Health Department and any other responsible health agency.
 - C. Any commercial facility in the development must meet the requirements of Area and Bulk.

14. Trailer or automobile rental facilities.
15. Automobile laundries provided such uses shall be at least seventy-five (75) feet from the intersection of any two (2) street right-of-way lines, and two hundred (200) feet from any adjacent R, RM, or MHP District, or residential uses in the SP Special Purpose District.
16. New automobile dealerships.
17. Outdoor sales space for the exclusive sale of secondhand automobiles, travel trailers or mobile homes, subject to the following:
 - A. No major refinishing shall be done on the lot.
18. Automotive service centers, only when planned as an integral part of a larger planned shopping center.
19. Gasoline service stations, subject to the following provisions:
 - A. The minimum road frontage shall be one hundred and fifty (150) feet and the minimum lot area shall be one (1) net acre. The site shall be so arranged that ample space is available for vehicles which are required to wait.
 - B. Canopy structures and gasoline pumps shall be set back not less than forty (40) feet from all street right-of-way lines to allow adequate access around the pumps. Air and water hose stands and other appurtenances shall be set back not less than twenty (20) feet from all street right-of-way lines, where appropriate.
 - C. Canopy structures shall be designed and constructed in a manner which is architecturally compatible with the principal building. The canopy structure shall be attached to and made an integral part of the principal building, wherever possible.
 - D. Accessory auto related facilities located on the premises such as wash facilities and vehicle repair are permitted on gas service station sites, however each use must obtain a separate special land use permit as provided for in this Article and shall only be permitted on gas service station sites containing one and one-half (1½) net acres.
 - (1) Major engine and body repair, steam cleaning, and undercoating are expressly prohibited except within a completely enclosed building.
 - (2) The storage of damaged or wrecked vehicles, or those waiting for minor repair or service, shall be obscured from public view in an area provided for such purpose on the site, and no vehicle of any kind shall be stored in the open for a period exceeding one (1) week. In no instance shall more than five (5) vehicles be allowed to accumulate on the site at any one (1) time, and the storage area shall be kept free of trash and debris in designed in accordance with Section 1807, Item 3, Open Storage.
 - E. All storage of material, merchandise and equipment shall be within the building.
 - F. The sale or rental of new or used cars, trucks, trailers, and any other vehicles on the premises shall be prohibited.
 - G. Fueling operations designed to accommodate tractor trailer trucks shall be prohibited.
20. Nursery schools, day nurseries and child care centers, provided the following conditions are met:
 - A. Such facilities shall be located on major thoroughfares with an existing or proposed right-of-way of one hundred and twenty (120) feet.
 - B. Any area not used for parking in the front yard shall be kept in lawn and landscaped in accordance with Section 1808.
 - C. Outdoor play areas shall be in the side or rear yard in the amount of one hundred (100) square feet for each child cared for, but at least a minimum of one thousand two hundred (1,200) square feet.
 - D. Whenever the school or center abuts a residential district, parking, drop off, and play areas shall be screened with an obscuring six (6) foot fence or wall, four foot six inch (4'6") high berm with landscaping twenty (20') foot wide greenbelt landscaped in accordance with Section 1808, or a combination of the above, whichever in the opinion of the Planning Commission and City Council achieves the objective of screening and controlling noise levels.
 - E. Any other conditions which the Planning Commission and City Council deem necessary to assure that the character of the area shall be maintained.

21. Planned shopping centers over six hundred thousand (600,000) square feet in area, subject to the following:
- A. Parking space depth and maneuvering lane width may vary from the dimensional standards of Section 1805 as follows:
 - 1) In the case of ninety (90°) degree parking layouts, the depth of a parking space may be reduced from twenty (20) feet to eighteen (18) feet provided that the maneuvering lane shall be a minimum of twenty-four (24) feet in width, or the depth of a parking space may be reduced from twenty (20) feet to nineteen (19) feet provided that the maneuvering lane shall be a minimum of twenty-two (22) feet in width.
 - B. Buildings and freestanding light poles may exceed the maximum height of the B-2 District of two (2) stories or thirty (30) feet, provided that freestanding light poles shall not exceed a height of sixty (60) feet.
 - C. Trash receptacles and compactors may be allowed in a front yard provided that such receptacles and compactors shall be, as nearly as is possible, totally screened from view with a wall or architectural feature the height of the container, and shall be aesthetically pleasing, and matching the architectural facade treatment of the main building(s), or the receptacles and compactors shall be screened with a berm or landscaping.
 - D. Loading and unloading areas may be allowed in a front yard provided that such loading and unloading areas shall be screened with a wall, architectural features, or plant material, and shall be architecturally pleasing, and matching the architectural or landscape design and facade treatment of the main building(s). The location and area in square footage of such loading and unloading berths shall not be less than one (1%) percent of the Gross Leasable Area (GLA) of the main building(s).
 - E. At least twenty (20) percent of the net site area (total area minus exterior right-of-way) shall be landscaped in accordance with Section 1808, except that there may be variations to the location and area of landscape islands and interior landscaping provided for in Section 1808, with the intent and purpose of allowing some degree of flexibility to the design and layout of parking spaces, maneuvering lanes and drives because of the large amount of parking area and number of spaces required for a regional shopping center.
 - F. Non-freestanding mural signs may be allowed when considered as a separate special land use under the purview of Section 1818. Such signage will not be included in total site signage allocations.
 - G. One (1) non-accessory (off-premise) identification pylon sign may be permitted, when considered as a separate special land use under the purview of Section 1818, provided the following conditions are met:
 - 1) The sign shall be limited to the name, logo, and description of the planned shopping center.
 - 2) The sign shall be located on a site zoned B-2 District or an "I" District.
 - 3) The setback of the sign shall be a minimum of ten (10) feet from adjacent property lines.
 - 4) The height of the sign shall not exceed one-hundred and five (105) feet.
 - 5) The area of the sign shall not exceed one-thousand five-hundred (1,500) square feet.
 - 6) In addition to the permitted signage, an LED digital display (automatic changeable copy sign) may be utilized on the pylon sign provided:
 - a. The display sign area shall not exceed one-thousand six-hundred (1,600) square feet; which would be permitted in addition to the sign area allowed under subsection G(5).
 - b. The display shall have a pixel pitch of twenty-five (25) mm or less.
 - c. The display will not use animation, flashing, scrolling, or blinking and will display only static messages.
 - d. The rate of change between static messages will not exceed more than one (1) change per eight (8) seconds.

- e. The display shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination. If complaints arise in regard to display brightness, the property owner of the planned shopping center shall work in good faith with the City to address the concerns in a timely fashion.
 - f. The property owner of the planned shopping center shall coordinate with the City of Auburn Hills Police Department and/or other local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the governmental agency that issues the information.
 - g. The property owner of the planned shopping center shall provide to the City of Auburn Hills Police Department and Community Development Department contact information for person(s) who will be available to be contacted at any time and who are able to turn off the electronic sign promptly if a malfunction occurs.
 - h. Twenty-four (24) hour operation of the display shall be permitted.
 - i. The sign shall be limited to the advertising of tenants and available goods and services within the planned shopping center, planned shopping center events and promotions, and other messages specifically authorized by the City of Auburn Hills.
 - j. The sign will not be permitted to advertise for high-proof liquor, any sexually oriented business, or other objectionable uses set forth in the development agreement approved pursuant to subsection G(6)k.
 - k. Approval of the display shall be subject to submittal, and acceptance by the City Council, of a development agreement detailing the conditions relating to the use restrictions of the sign.
- H. Freestanding tenant identification signs may be permitted, when considered as a separate special land use under the purview of Section 1818, provided the following conditions are met:
- 1) The planned shopping center shall be limited to eight (8) total freestanding tenant identification signs.
 - 2) The signs shall only be permitted along interstate freeway frontage.
 - 3) The setback of the sign shall be a minimum of twenty (20) feet from adjacent property lines.
 - 4) The height of the sign shall not exceed fifty (50) feet.
 - 5) The area of each sign shall not exceed one hundred and seventy-five (175) square feet.
 - 6) Each sign shall be limited to the name of a single tenant selected at the discretion of the property owner of the planned shopping center, which may change from time to time, upon administrative sign permit approval from the Community Development Department.
 - 7) A surveyed plan shall be provided showing the location of the signs.
 - 8) Uplighting may be used to illuminate the signs provided the lighting does not cause glare onto adjoining properties or onto public or private roads, or otherwise create a nuisance or a safety hazard.
- I. A tenant wall mounted sign on the planned shopping center may exceed the size requirements of Section 1811, provided no single wall sign exceeds five hundred (500) square feet in size. When considered as a separate special land use under the purview of Section 1818, the City Council may allow an increase in sign area larger than five hundred (500) square feet in size after a detailed review and evaluation. Whenever the City Council modifies this requirement, it shall find that the following standards have been met:

- 1) The signage is for a tenant of a size equal or greater than twenty thousand (20,000) square feet. The tenant space shall abut a perimeter wall of the planned shopping center and have an exterior exit designed for general public use.
 - 2) The signage is compatible with and sensitive to the immediate environment of the site relative to architectural design, scale, bulk, building height, disposition and orientation of buildings.
 - 3) The allotted sign area for the planned shopping center, as a whole, is not exceeded.
- J. The total sign area for the planned shopping center shall not exceed one hundred (100) square feet per net acre.
- K. Outdoor seating or outdoor facilities for the serving and/or consumption of food or beverages for restaurants and other similar uses where food and/or beverages are served and/or consumed may be permitted when considered as a separate special land use under the purview of Section 1818, subject to the criteria outlined in Section 902(23).
22. Private paramedical emergency facilities subject to the following conditions:
- A. Such facilities shall be located only on collector thoroughfares or major thoroughfares as indicated on the adopted Major Thoroughfare Plan of the City of Auburn Hills.
 - B. All ingress and egress on the site shall be located at least fifty (50) feet from any adjacent property line or right-of-way line.
 - C. If not in existence, a passing lane shall be provided opposite the ingress/egress route used for paramedical and such other emergency vehicles in addition to the required acceleration and deceleration lanes. The passing lane is required to insure that the purpose and intent of this Zoning Ordinance is met and is deemed necessary to prevent traffic congestion in order to assure proper egress for fast moving and accelerating emergency vehicles in order to protect the health and safety of the citizens of Auburn Hills and abutting areas.
 - D. All such facilities shall be developed on sites of at least one (1) acre in area.
23. Outdoor seating or outdoor facilities for the serving and/or consumption of food or beverages for restaurants and other similar uses where food and/or beverages are served and/or consumed, subject to the following criteria:
- A. Outdoor seating areas or outdoor facilities shall be attached structurally to and/or located directly adjacent to, or upon, the principal building to which they are accessory.
 - B. Outdoor seating areas or outdoor facilities shall be completely enclosed by masonry walls and/or decorative fencing a minimum of three (3) feet in height, unless a taller height is required per the Building Code for safety purposes (e.g., decks, elevated areas, etc.). The enclosure shall be extended from the principal building and shall be capable of entry only from the interior of the principal building unless determined otherwise by the City Council. The enclosure shall be fixed in place and designed in a manner that maintains a minimum pathway width of five (5) feet (e.g., clear of structures such as light poles, trees, hydrants, etc.) along the sidewalk so as not to interfere with pedestrian traffic.
 - C. All lighting shall be shielded downward and away from adjacent properties and rights-of-way in accordance with Section 1810.
 - D. Parking spaces shall be provided for the proposed outdoor seating area or outdoor facility in addition to that required for the principal building or use and shall be calculated as required for the principal building or use.
 - E. Music, loudspeakers, public address systems and other types of outdoor entertainment uses and/or activities may be permitted subject to the following criteria:
 1. Any/all proposed sound system or other entertainment use/activity area(s) shall be clearly detailed on a site plan.
 2. The outdoor seating area shall be designed so as to minimize the level of noise generated from the uses/activities conducted in the outdoor seating or outdoor facility area. Such design alternatives include, but are not limited to, sound deadening construction materials, volume limitations on sound systems, directional/locational limitations on speaker/public address system locations, and landscaping.

3. The City may review the Special Land Use in one (1) year to determine if there are any noise-related problems regarding the outdoor seating area or outdoor facility. In reviewing the Special Land Use, the Community Development Department may consult with other applicable City departments or agencies. Reports from these departments or agencies, along with any public comment, shall be the basis for any subsequent decision(s) by the Community Development Department.
4. The Community Development Department may require that additional measures be taken by the owner to reduce and/or eliminate any noise-related problem in accordance with Item E.2 above.
- F. Adequate facilities shall be provided for the convenient and sanitary disposal of refuse within and around the outdoor seating area or outdoor facility.
- G. The fire marshal shall review the proposed outdoor seating area or facility and shall provide a written report to the Community Development Department as to the conformance of any proposed plans with applicable fire safety codes.
- H. The Police Department shall review the proposed outdoor seating area and shall provide a written report to the Community Development Department regarding public health, safety and welfare concerns.
- I. The Planning Commission may recommend and the City Council may require other conditions to ensure that the outdoor seating area or outdoor facility is designed and operated to have the minimum impact on adjacent properties visually as well as with regard to noise. The City Council may consider all applicable factors such as, but not limited to, visual relationships, natural and/or manmade transition zones, limitations on types of activities permitted, hours of operation, parking and circulation needs and proposed method of winterization (if applicable).
24. Multi-use automobile service facilities such as the installation of vehicular phones, auto glass, and tire, battery and accessory facilities.
25. Wireless communication facilities in accordance with the standards and requirements listed in Section 1832. Wireless Communication Facilities, except for co-location applications which are subject to the administrative review provisions listed in Section 1832, Item K.
26. Restaurants, including drive-in and drive-through restaurants, or other places serving food or beverage subject to the following provisions:
 - A. Restaurants with drive-in or drive-through facilities shall only be permitted on sites containing one and one-half (1½) net acres, and having one hundred and fifty (150) feet of road frontage width. The Site Plan shall clearly reflect that the queuing lane and parking maneuvering lane are not in conflict, and will not inhibit safe ingress and egress from/to the main access thoroughfare.
 - (1) Gas service stations and restaurants with drive-in or drive-through facilities, proposed jointly on the same site, shall only be permitted on sites containing a minimum of two and one-half (2½) net acres, and having two hundred (200) feet of road frontage width. The Site Plan shall clearly reflect that the queuing lane, parking maneuvering lane, and gas pumps areas are not in conflict, and will not inhibit safe ingress and egress from/to the main access thoroughfare.
 - (2) Restaurants with drive-through facilities shall provide at least ten (10) vehicle queuing spaces eighteen (18) feet long by ten (10) feet wide from the order station. The lane containing the queuing spaces shall be separate and distinct from other access drives and maneuvering lanes for parking spaces. The queuing space lane shall have a clear width of ten (10) feet and be physically separated from access drives, maneuvering lanes and parking spaces with a landscaped area five (5) feet wide with raised curbs on all sides.
27. Private clubs, fraternal organizations and lodge halls.
28. Churches and places of worship.
29. Accessory buildings and accessory uses customarily incidental to any of the above special land uses permitted.

30. Special land uses determined to be similar to the above special land uses in accordance with the criteria set forth in Section 1828.

(Amended: 11-11-02 per Ordinance No. 710)

(Amended: 9-19-05 per Ordinance No. 759)

(Amended: 5-15-06 per Ordinance No. 779)

(Amended: 8-17-09 per Ordinance No. 820)

(Amended: 11-23-09 per Ordinance No. 823)

(Amended: 4-19-10 per Ordinance No. 829)

(Amended: 10-04-10 per Ordinance No. 830)

(Amended: 2-17-20 per Ordinance No. 913)

SECTION 903. REQUIREMENTS FOR ALL SPECIAL LAND USES:

1. All business establishments shall be retail or service establishments dealing directly with consumers (who may be contractors or builders). All goods produced on the premises shall be sold at retail on the premises where produced.
2. There shall be provided on those sites abutting or adjacent to a residential district or use a greenbelt, wall, berm or landscaping in accordance with Section 1808.
3. All business uses adjacent to freeway feeder roads shall meet the following additional requirements:
 - A. Barriers: All development shall be physically separated from the feeder road by a curb and planting strip or other suitable barrier. Such barrier shall effectively eliminate unchanneled vehicle ingress or egress except for authorized accessway.
 - B. Accessways: Each separate use, grouping of buildings, or grouping of uses as a part of a single planned development, shall not have more than two (2) accessways from a feeder road. Such accessways shall not be located closer than three hundred (300) feet to the point of intersection of an entrance or exit ramp baseline and the feeder road centerline. In cases where the ramp baseline and the feeder road centerline do not intersect, no accessway shall be located closer than three hundred (300) feet from point of tangency of the ramp baseline and the feeder road pavement. In those instances where properties fronting on a feeder road are of such width or are in multiple ownership, and accessways to the property cannot be provided in accordance with the minimum three hundred (300) foot distance from the intersection of feeder road and entrance or exit ramps, a marginal access road shall be provided to service such properties.
4. Cross-Access Interior Drives: Cross-access interior drives, or drives that will allow vehicles to move from one site to another without entering the frontage street, are strongly encouraged and may be required at the discretion of the City Council.

(Amended: 11-11-02 per Ordinance No. 710)

SECTION 904. AREA AND BULK REQUIREMENTS:

See Article XVII, Schedule of Regulations, Limiting the height and bulk of buildings.

(Amended 1-24-05 per Ordinance No. 745)

ARTICLE IX-A D, DOWNTOWN DISTRICTS

PREAMBLE

The purpose of the Downtown District is to encourage the creation of a pedestrian-oriented, mixed-use urban environment, providing shopping, employment, housing, business, and personal services consistent with the City's vision outlined in the Master Plan and 2009 Auburn Hills Downtown Economic Enhancement Strategy. The Downtown is intended to be the focal point of the community. This is achieved by promoting an efficient, compact land use pattern; encouraging pedestrian activity; reducing the reliance on private automobiles within the district; promoting a functional and attractive community through the use of urban design principles; and allowing applicants flexibility in land use and site design.

The following are the City's primary objectives for development and redevelopment in the Downtown:

- A. Land Use Diversity. Developments are encouraged to incorporate multiple uses within a building or parcel. A mixture of residential with retail or office space is encouraged to maintain a Downtown with vital living space. Building owners are encouraged to fill first floor space with retail impulse-oriented uses.
- B. Creating a Sense of Place. Developments should contribute a sense of visual continuity through compatibility and similarity in building heights, scale, massing, overall organizational facade, and the use of materials, colors, and roof shapes.
- C. Pedestrian Friendly Design. Developments should create a sense of human scale, activity, and interest at the street level to enhance its pedestrian appeal. Areas external to buildings should be designed at a human scale, and should encourage pedestrian activity and invite interaction between pedestrian areas and activities within buildings. Further, it is recognized that automobile-oriented uses (e.g., automobile service stations, car washes, or new and used motor vehicle sales or service establishments, and businesses with drive-through facilities, etc.) have a disruptive effect on the intended pedestrian orientation of the district and are prohibited from locating in the Downtown.
- D. Planned Unit Development Option / Deviations. This ordinance is provided as a safeguard and outlines required standards to ensure the intent of the Master Plan and 2009 Auburn Hills Downtown Economic Enhancement Strategy is implemented. Applicants are encouraged to utilize the City's Planned Unit Development (PUD) Option listed in Section 1830 for increased flexibility in land use and site design standards. Applicants may seek deviations to the standards listed in this zoning district through the PUD review process.
- E. Green Building Design. Applicants are encouraged to comply with the City's Green Building Policy.

SECTION 905. PRINCIPAL USES PERMITTED:

In the D, Downtown Districts no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance:

1. All Principal Uses Permitted in the B-2 General Business Districts, with the exception that drive-through facilities shall not be permitted in the district.
2. Publicly owned and operated libraries, parks, parkways, and recreational facilities.
3. Municipal buildings and uses, including parking structures.
4. Accessory buildings and accessory uses customarily incidental to any of the above principal uses permitted.
5. Uses determined to be similar to the above principal permitted uses in accordance with the criteria set forth in Section 1827 and which are not listed below as special land uses.

SECTION 906. SPECIAL LAND USES PERMITTED:

The following uses may be permitted under the purview of Section 1818 by the City Council, after site plan review and Public Hearing by the Planning Commission, and subject further to such other reasonable conditions which, in the opinion of the City Council, are necessary to provide adequate protection to the health, safety, general welfare, morals and comfort of the abutting property, neighborhood and City of Auburn Hills:

1. Residential units developed within mixed use buildings, when said units are located above the first floor.
2. Free standing restaurants or other places serving food or beverage, except those having the character of a drive-in or having a drive-through facility.
3. Funeral homes subject to the requirements stated in Section 902.
4. Churches and places of worship
5. Museums, Theaters, and Performance Centers
6. Hotels and Lodging Facilities
7. Outdoor seating and outdoor facilities for the serving and/or consumption of food or beverages for restaurants and other similar uses where food and/or beverages are served and/or consumed, subject to the criteria listed in Section 902, Item 23. This provision shall not apply to outside seating allowed in City right-of-way via City license, which is considered a permitted accessory use.
8. Accessory buildings and accessory uses customarily incidental to any of the above Special Land Uses permitted.
9. Special Land Uses determined to be similar to the above Special Land Uses in accordance with the criteria set forth in Section 1828.

SECTION 907. REQUIREMENTS FOR ALL USES:

All uses shall be subject to the following requirements:

1. **Building Height.** Buildings shall not exceed two (2) stories or thirty (30) feet in height.
2. **Building Setbacks.** Front and side yard setbacks shall be a minimum and maximum of zero (0) feet. Rear yard setbacks shall be a minimum of twenty-five (25) feet.
 - A. The City Council may, after review and recommendation by the Planning Commission, allow a greater front or side yard setback to allow for consistency with adjacent buildings, patio or outside seating, driveway, or other applicable design considerations.
3. **Building Materials and Architecture.** The City desires the highest quality of building materials feasible to be used on the exterior facades of buildings in the Downtown. Building facades shall meet the intent of the City's Architectural Design Policy. Buildings should maintain the quality of their architectural character from all viewing angles.
 - A. **Franchise Architecture.** To maintain the unique character of the Downtown, buildings shall not be constructed or renovated using franchise architecture. Franchise architecture is defined as building design that is trademarked or identified with a particular franchise, chain, or corporation and is generic or standard in nature. Franchises or national chains may be located in the district, but must follow the standards of this Ordinance to create a building that is compatible with the Downtown.
4. **Landscaping, Buffering, and Screening.** The following standards for landscaping, buffering, and screening shall apply to all new development and redevelopment in the district:
 - A. **Foundation Landscaping.** Foundation plantings such as trees, shrubs, flower beds, and/or planters shall be provided along the rear of building when adjacent to a parking lot. Planting locations shall not obstruct ingress/egress doors.
 - B. **Parking Lot Landscaping.** For every twenty (20) spaces in a row which do not immediately adjoin a landscape greenbelt, a minimum of one (1) deciduous shade tree shall be provided within a minimum landscape island of eight (8) feet wide and sixteen (16) feet in depth.
 - C. **Frontage Greenbelt.** A minimum ten (10) foot landscaped greenbelt area shall be provided along any public or private road. This provision is not intended for developments along Squirrel Road and Auburn Road.
 - D. **Frontage Tree Planting.** Street landscaping shall be required for developments along the public or private right-of-way line of any street or road. At least one (1) evergreen or

- deciduous tree shall be planted for each thirty (30) linear feet of required greenbelt length, rounded upward.
- E. Plant Materials and Landscape Elements. Projects shall meet tree size, tree diversity, and other applicable requirements listed in Section 1808, Item 6.
 - F. Parking Lot Screening. Parking lot screening shall minimize direct views of parked vehicles from streets and sidewalks, and avoid spill-over light, glare, noise, or exhaust fumes onto adjacent properties, in particular one family residential property outside the district. Parking lots exposed to view from abutting one family residential property outside the zoning district shall be surrounded by a minimum of a three (3) foot high barrier in the form of berms, shrubs, masonry walls, or a combination thereof, in addition to the required tree plantings.
 - G. Trash Dumpster and Utility Screening. Transformers, HVAC equipment (if located at the ground level), utility meters, and other machinery, as well as garbage collection points, should be located at the rear of the building. If such uses are visible from any adjacent rights-of way or property, they shall be totally screened by a fence or suitable plant or other visual barrier of an appropriate height or as proposed and approved in a site plan. Trash dumpsters shall meet the requirements of Section 1825 shall remain closed at all times.
5. Combining of Use Groups within a Single Structure. Commercial and office uses may occupy any number of total floors within a building used for residential uses. No commercial or office shall be located on the same floor as residential use, and no floor may be used for commercial or office purposes which is located above a floor used for residential purposes.
 6. Off-Street Parking Requirements: Off-street parking shall not be required. If off-street parking is voluntarily provided, it shall meet the applicable requirements of Sections 1804 and 1805. Off-street parking shall be located in the rear of the building.
 7. Signs. Signs shall meet the requirements of Section 1811, with the following additional restrictions:
 - A. Sign types shall be restricted to wall mounted and projecting signs along Squirrel Road, Squirrel Court, and Auburn Road in the district. Signs which encroach into City right-of-way shall require a license from the City.
 - B. Signs shall be architecturally compatible with the style, composition, materials, colors, and details of the building to which they are affixed and with other signs on nearby buildings, while providing for adequate identification of the business. Signs shall not block or obliterate design details, windows or cornices of the building upon which they are placed.
 - C. Pole signs and exposed neon signs shall be prohibited throughout the district. This provision is not intended to prohibit neon signs which indicate the operational status of a business. Such operational status signs may not flash or change color.
 8. Outside Storage:
No outside storage shall be permitted.
 9. Off-Street Loading:
Off-street loading space shall be provided in accordance with Section 1701, Item p and Section 1806, with the exception that all buildings shall provide a minimum of one (1) paved loading space nine (9) feet in width and eighteen (18) feet in length in the rear of the building for small delivery vehicles.
 10. Performance Standards:
All development shall adhere to the Performance Standards specified in Section 1807.
 11. Freestanding Lighting:
Freestanding light poles shall not exceed twenty-five (25) feet in height and lighting shall be shielded onto the site so as to not become a nuisance to adjacent areas.
 12. Cross-Access Interior Drives:
Cross-access interior drives, or drives that will allow vehicles to move from one site to another without entering the frontage street, may be required.
 13. Site Plan Review:
Site plan review and approval is required for all development within the District in conformance with Section 1815.

SECTION 908. AREA AND BULK REQUIREMENTS

See Article XVII, Schedule of Regulations, for additional requirements limiting the height and bulk of buildings and not in conflict with this Article IX-A.

(Adopted: 7-12-04 per Ordinance No. 737)
(Amended: 11-22-04 per Ordinance No. 743)
(Amended: 3-16-09 per Ordinance No. 815)

ARTICLE X

SP, SPECIAL PURPOSE DISTRICTS

PREAMBLE

The SP Special Purpose Districts are established to provide for uses which cater to the general public or are characterized by large volumes of vehicular traffic, they require substantially large sites, or they are unique uses which do not readily fit into any other use district.

SECTION 1000. SPECIAL LAND USES PERMITTED:

The following uses may be permitted under the purview of Section 1818 by the City Council, after site plan review and Public Hearing by the Planning Commission, and subject further to such other reasonable conditions which, in the opinion of the City Council, are necessary to provide adequate protection to the health, safety, general welfare, morals and comfort of the abutting property, neighborhood and City of Auburn Hills:

1. Hospitals, provided the following conditions are met:
 - A. All such hospitals shall be developed only on sites of at least five (5) acres in area.
 - B. The proposed site shall have at least one (1) property line abutting a major thoroughfare of at least one hundred and twenty (120) feet in existing or proposed right-of-way as indicated on the current Major Thoroughfare Plan of the City of Auburn Hills.
 - C. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least one hundred (100) feet for front, rear, and side yards for all two (2) story structures. For every story above two (2), the minimum yard distance shall be increased by at least twenty (20) feet.
 - D. Ambulance and delivery areas shall be obscured from all residential view with an obscuring wall, berm or greenbelt in accordance with Section 1808. Ingress and egress to the site shall be directly from a major thoroughfare.
 - E. All ingress and egress to the off-street parking area for guests, employees, staff, or other users of the facility, shall be directly from a major thoroughfare.
2. Convalescent homes, provided the following conditions are met:
 - A. Each convalescent home shall be located on a parcel of property no less than three (3) acres in site size (net).
 - B. Each home shall have all ingress and egress to the facility directly from a planned major thoroughfare with an existing or proposed right-of-way of not less than one hundred (100) feet.
 - C. Each unit shall be a minimum of three hundred (300) square feet in floor area.
 - D. Each development shall have a maximum coverage of all buildings on the site of no more than thirty (30) percent of the net site area. Unit density shall not exceed twenty (20) units per acre.
 - E. Buildings may exceed two (2) stories or twenty-five (25) feet in height, provided that minimum setback requirements shall be increased by one (1) foot for each one (1) foot in height of the building over two (2) stories.
 - F. Front yard setbacks shall be a minimum of forty (40) feet. Side and rear yard setbacks shall be a minimum of thirty (30) feet.
 - G. Each facility shall provide on site a minimum of one (1) parking space for every four (4) beds within the facility at maximum occupancy, plus one (1) space for each one (1) employee.
 - H. Each facility shall provide as part of the entire development a minimum of one thousand (1,000) square feet of open space for every one (1) bed at maximum capacity, of which four hundred (400) square feet must be kept in approved landscaping.
 - I. No portion of a building face shall exceed two hundred (200) feet in length, except after the provision of a horizontal building face offset of at least thirty (30) feet in depth. With such an offset the maximum building length can be increased to four hundred (400) feet.

Building elements in excess of two hundred (200) feet in length can further be interconnected by a building element having a minimum width of fifty (50) feet, which also varies by a minimum of one (1) story in height from the building elements on either side. In conjunction with these standards, the total building complex can have no elevation exceeding six hundred (600) feet in length.

- J. In all convalescent home projects where fifty (50) or more units may be developed on a total parcel, or as part of a total complex, a main collector service drive with a width of at least twenty-four (24) feet back-of-curb to back-of-curb with a four (4) foot wide walkway along one (1) side (total width of five (5) feet) may be required by the City Council and, if required, shall be built according to current City standards for collector thoroughfares. Easements for private collector thoroughfares shall also be provided to the City of Auburn Hills. All such interior dedicated rights-of-way or easements may be utilized for density computations.
3. Senior citizen congregate care living facilities, and independent housing for the elderly facilities, provided the following conditions are met:
- A. Each project shall be located on a parcel of property no less than three (3) acres in site size (net).
 - B. Each project shall have all means of ingress and egress to the site directly from a planned major thoroughfare with an existing or proposed right-of-way of not less than one hundred (100) feet.
 - C. In independent housing for the elderly facilities all efficiency and one (1) bedroom units shall be a minimum of five hundred and fifty (550) square feet, and all two (2) bedroom units shall be a minimum of eight hundred (800) square feet. No unit with more than two (2) bedrooms shall be allowed.
 - D. The maximum coverage of all buildings on each site shall total no more than thirty (30) percent of the net site area. Unit density shall not exceed twenty (20) units per acre.
 - E. Buildings may exceed two (2) stories or twenty-five (25) feet in height, provided the minimum setback requirements shall be increased by one (1) foot for each one (1) foot in height of the building over two (2) stories.
 - F. Front yard setbacks shall be a minimum of fifty (50) feet. Side and rear yard setbacks must be a minimum of thirty (30) feet.
 - G. Each independent or congregate housing for the elderly project shall provide on site a minimum of one-half (1/2) parking space for each one (1) unit, plus one (1) space for each one (1) employee.
 - H. Each project shall provide as part of the entire development a minimum of one thousand five hundred (1,500) square feet of open space for each one (1) unit, of which six hundred (600) square feet must be kept in approved landscaped areas.
 - I. No portion of a building face shall exceed two hundred (200) feet in length, except after the provision of a horizontal building face offset of at least thirty (30) feet in depth. With such an offset, the maximum building length can be increased to four hundred (400) feet. Building elements in excess of two hundred (200) feet in length can further be interconnected by a building element having a minimum width of fifty (50) feet, which also varies by a minimum of one (1) story in height from the building elements on either side. In conjunction with these standards, the total building complex can have no elevation exceeding six hundred (600) feet in length.
 - J. In all congregate care developments where fifty (50) or more units may be developed on a total parcel, or as a part of a total complex, a main collector service drive with a width of at least twenty-four (24) feet back-of-curb to back-of-curb with a four (4) foot wide walkway along one (1) side (total width of five (5) feet) may be required by the City Council and, if required, shall be built according to current City standards for collector thoroughfares. Easements for private collector thoroughfares shall also be provided to the City of Auburn Hills. All such interior dedicated rights-of-way or easements may be utilized for density computations.

4. U.S. Department of Housing and Urban Development, Section 202 Housing Facilities, provided the following conditions are met:
 - A. Each project shall be located on a parcel of property no less than three (3) acres in site size (net).
 - B. Each project shall have all ingress and egress to the facility directly from a planned major thoroughfare with an existing or proposed right-of-way of not less than one hundred (100) feet.
 - C. All units shall be a minimum of five hundred and thirty-five (535) square feet.
 - D. The maximum coverage of all buildings on each site shall total not more than forty (40) percent of the net site area. Unit density shall not exceed thirty (30) units per acre.
 - E. Buildings may exceed two (2) stories or twenty-five (25) feet in height, provided that minimum setback requirements shall be increased by one (1) foot for each one (1) foot in height of the building over two (2) stories.
 - F. Front yard setbacks shall be a minimum of fifty (50) feet. Side and rear yard setbacks must be a minimum of thirty (30) feet.
 - G. Each project shall provide on site a minimum of one (1) parking space for each one (1) unit, plus one (1) space for each one (1) employee.
 - H. Each project shall provide as part of the entire development a minimum of one thousand five hundred (1,500) square feet of open space for each one (1) unit of which six hundred (600) square feet must be kept in approved landscaped areas.
 - I. The maximum length of any building along any one (1) facade shall be no more than two hundred fifty (250) feet.
 - J. In all developments where fifty (50) or more units may be developed on a total parcel, or as a part of a total complex, a main collector service drive with a width of at least twenty-four (24) feet back-of-curb to back-of-curb with a four (4) foot wide walkway along one (1) side (total width of five (5) feet) may be required by the City Council and, if required, shall be built according to current City standards for collector thoroughfares. Easements for private collector thoroughfares shall also be provided to the City of Auburn Hills. All such interior dedicated rights-of-way or easements may be utilized for density computations.
5. Golf courses and ski areas which may or may not be operated for profit, but specifically excluding miniature golf courses or golf driving ranges as the main use, providing the following conditions are met:
 - A. Any use developed herein, and requiring a structure, shall have such structure so located on the site as not to be closer than two hundred (200) feet from the lot line of any adjacent residential land.
 - B. All ingress and egress from the site shall be directly onto a major thoroughfare having an existing or proposed right-of-way of at least one hundred and twenty (120) feet.
 - C. Parking areas, and ingress and egress, shall be so located as to not become a nuisance to any adjacent residential area.
6. Outdoor recreational centers, provided the following conditions are met:
 - A. The proposed site shall have one property line abutting a major thoroughfare of at least eighty-six (86) feet, and the site shall be so planned as to provide ingress and egress directly onto said thoroughfare.
 - B. Front, side and rear yards shall be at least eighty (80) feet wide and shall be landscaped in trees, shrubs, grass and terrace areas. All such landscaping shall be maintained in a healthy condition.
 - C. Whenever a swimming pool is involved, said pool shall be provided with a protective fence six (6) feet in height, and entry shall be provided by means of a controlled gate or turnstile.
7. Public stables, private stables, riding academies, and hunt clubs, provided the following conditions are met:
 - A. The above uses may be permitted on parcels of land that are at least thirty (30) contiguous acres or more in area.
 - B. Bridle paths, and all other riding areas, shall be within the confines of the proposed property.

- C. The stable shall be so situated on the site as to be at least three hundred (300) feet from abutting parcels or lots.
 - D. The paddock, or instruction area, shall be at least four hundred (400) feet from any abutting parcels or lots.
 - E. Ingress and egress to the stable area shall be provided solely through the subject parcel, which shall abut a public right-of-way.
 - F. Adequate off-street parking facilities shall be provided on the site, located at least one hundred (100) feet from the perimeter of the site.
 - G. Pastures and other areas designed for the purpose of feeding horses shall be confined to the site and located at least one hundred (100) feet from the perimeter of the site.
 - H. Manure shall be kept in tightly covered boxes and shall be regularly sprayed or limed so as to control flies and other insects.
 - I. Floodlights or any other source of artificial lighting provided to facilitate night riding activities shall be properly shielded or directed away from residences or abutting properties and shall meet the requirements of Section 1810.
8. Colleges, universities and other such institutions of higher learning, both public and private, offering courses in general, technical, or religious education, all subject to the following conditions:
- A. Any use permitted herein shall be developed only on sites of at least forty (40) acres in area.
 - B. All ingress and egress from said site shall be directly onto a major or secondary thoroughfare as shown on the Major Thoroughfare Plan of the City of Auburn Hills.
 - C. No building, other than a structure for one (1) family residential purposes, shall be closer than seventy-five (75) feet to any property line.
9. Freestanding sports stadiums or arenas that do not include ancillary activities such as hotels, motels, or offices, provided the following conditions are met:
- A. All freestanding sports stadiums or arenas shall be located on parcels capable of providing paved parking for minimum of two thousand five hundred (2,500) spectator vehicles.
 - B. All sites shall have direct access to major thoroughfares of at least one hundred and twenty (120) feet in existing or proposed right-of-way.
10. Utility and public service facilities and uses, but not including storage yards, such as gas regulator stations and electrical substations only when operating requirements necessitate the locating of such facilities within the District in order to serve the immediate vicinity.
11. Private clubs, fraternal organizations and lodge halls provided that the following conditions are met:
- A. All sites shall have direct access to collector thoroughfares of at least eight-six (86) feet in existing or proposed right-of-way, or a major thoroughfare existing or proposed to be one hundred and twenty (120) feet.
 - B. All such uses shall have a minimum area of at least one (1) acre.
 - C. Hours of operation shall be approved by the City Council after Planning Commission recommendation.
12. Overnight camping facilities for tents, campers, and travel trailers shall be allowed provided the following conditions are met:
- A. There will be no permanent storage of tents, campers, or travel trailers; and mobile home units shall not be allowed in the development.
 - B. Sanitary facilities must meet the minimum requirements of the Oakland County Health Department or any other responsible health agency.
 - C. Any commercial facility in the development must meet the minimum requirements of Section 1700 of the B-2 General Business Districts.
 - D. Minimum site for overnight camping facilities shall be twenty (20) contiguous acres.
13. Airports, landing fields, landing platforms, hangars, masts, Vertical Take-Off and Landing (VTOL) fields, heliports, and other facilities for the operation of aircraft subject to the Special Land Use requirements of the I Districts and Federal Aviation Administration approval.

14. Any use normally allowed in the B-1 and B-2 Business Districts may be included as a Special Land Use in the SP Special Purpose District when such use would be clearly incidental to the main use.
15. Television and radio towers may be permitted providing self-supporting towers over three hundred (300) feet and guyed towers are set back from all property boundaries a distance of at least one-half the height of the tower. Self-supporting towers under three hundred (300) feet must meet the one (1) story building setback provisions of the district.
16. Farms, except livestock, when on parcels totaling five (5) acres or more. The keeping of a horse may be permitted, and shall require at least two (2) acres for the first horse, plus one (1) acre for each additional horse. In no instance shall the keeping of a horse be allowed in subdivisions on platted lots of less than two (2) acres.
17. Churches and places of worship.
18. Accessory buildings and accessory uses customarily incidental to any of the above special land uses permitted.
19. Special land uses determined to be similar to the above special land uses in accordance with the criteria set forth in Section 1828.

(Amended: 5-15-06 per Ordinance No. 779)

SECTION 1001. AREA AND BULK REQUIREMENTS:

See Article XVII, Schedule of Regulations, limiting the height and bulk of buildings.

ARTICLE XI FP, FLOODPLAIN DISTRICTS

PREAMBLE

The FP Floodplain Districts are established to protect the health, safety, and general welfare of the inhabitants of the City of Auburn Hills, and environs, by promoting its development in land uses which will not reduce the river valley's reservoir capacity, nor impede, retard, accelerate or change the direction of water flow or the carrying capacity of the river valley, or to otherwise increase the possibility of flood.

SECTION 1100. PRINCIPAL USES PERMITTED:

In the FP Floodplain Districts, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance:

1. The open yard space portion of any abutting use district provided that no structure, other than off street at-grade parking, may be provided.
2. For residential districts, the floodplain may not be used for computing density, but may be used for yard and open space areas.
3. Gardening, general farming, horticulture, forestry or any other similar agricultural activity.
4. Accessory uses customarily incidental to any of the above principal uses permitted.
5. Uses determined to be similar to the above principal uses in accordance with the criteria set forth in Section 1827 and which are not listed below as special land uses.

SECTION 1101. SPECIAL LAND USES PERMITTED:

The following uses may be permitted under the purview of Section 1818 by the City Council, after site plan review and Public Hearing by the Planning Commission, and subject further to such other reasonable conditions which, in the opinion of the City Council, are necessary to provide adequate protection to the health, safety, general welfare, morals and comfort of the abutting property, neighborhood and City of Auburn Hills:

1. All residential principal uses permitted and residential special land uses permitted in abutting districts, as regulated in the immediately abutting districts.
2. Railroads, bridges, roads, dams, overhead wires, and public utilities.
3. Public and private open recreation areas such as parks, playgrounds, soccer fields, ballfields, golf courses, and bridle paths.
4. Utility and public service facilities and uses (without storage yards) such as gas regulator stations and electrical substations.
5. Accessory buildings and accessory uses customarily incidental to any of the above special land uses permitted.
6. Special land uses determined to be similar to the above special land uses in accordance with the criteria set forth in Section 1828.

SECTION 1102. REQUIRED CONDITIONS:

All uses shall be subject to the following conditions:

1. Building Use
Except as provided in the previous Section, floodplains shall be restricted so as to prohibit any structure wherein human habitation may be provided for occupancy or employment. No habitable portion of any building shall be less than two (2) feet above the high water mark elevation as established on the Pontiac Township Floodplain Map except that structural members such as, but not limited to, columns supporting said building, may be permitted.
2. Administrative Functions
Any proposed erection or construction in the floodplain shall be submitted to the City Engineer or Consulting Engineer and Planning Commission for their review and recommendation to the City Council and require City Council approval prior to the issuance of a Building Permit. Approval of a Building Permit shall be contingent upon a finding that the proposed erection or construction is so designed, constructed and placed on the lot or parcel as to offer no added obstruction to the

flow of water, and be so fixed to the site as to withstand the force of the expected velocity of floodwater.

- A. Duties of the Building Inspector or authorized staff shall include:
 - 1) When base flood elevation data has not been provided, the Building Official or authorized staff shall obtain, review, and reasonably utilize any flood elevation data available from a Federal, State or other source.
 - 2) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or Local governmental agencies from which prior approval is required.
 - 3) Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
 - 4) Notify adjacent communities and the Michigan Department of Natural Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
 - 5) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

3. Permit Applications

The applicant shall provide such topographic data, engineering studies, or other studies as needed to determine the effects of flooding on a proposed structure and/or the effect of the structure on the flow of water. All such required data shall be prepared by licensed and registered architects, engineers, or registered land surveyors.

In addition to the information required with an application for a Building Permit, or any other type of development permission required under this Ordinance, the following information shall be submitted as a part of an application for permission to commence any type of development within a flood hazard area.

- A. The elevation in relation to mean sea level of the floor, including basement, of all structures.
- B. Where flood proofing will be employed, the elevation in relation to mean sea level to which a structure will be flood proofed.
- C. Where flood proofing will be employed, a certificate from a registered professional engineer, architect, or surveyor that the flood proofing criteria of this Ordinance will be met.
- D. Where it can be determined that development is proposed within zones A1-30 on the FIRM or the regulatory floodway, a certification is required by this Ordinance.
- E. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- F. Base flood elevation data where the proposed development is subject to Public Act 288, of 1967, or greater than five (5) acres in size.
- G. Additional information which may be reasonably necessary to determine compliance with the provisions of this Ordinance.

4. General Standards for Flood Hazard Reduction

All new construction and substantial improvements within a flood hazard area, including the placement of prefabricated buildings and mobile homes, shall be subject to the following:

- A. All new and replacement water supply systems shall minimize or eliminate infiltration of floodwaters into the systems.
- B. All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of floodwaters into the systems and the discharges from systems into floodwaters. On-site waste disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.
- C. All public utilities and facilities shall be designed, constructed and located to minimize or eliminate flood damage.
- D. Adequate drainage shall be provided to reduce exposure to flood hazards.
- E. The Building Inspector or authorized staff shall review development proposals to determine compliance with the standards of this Section.

- F. Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this Article.
5. Mobile Homes
- A. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties in accordance with the following specifications:
- 1) Over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, except that on mobile homes less than fifty (50) feet in length, one tie per side shall be required.
 - 2) Frame ties shall be provided at each corner of the home with five (5) additional ties per side at intermediate points, except that on mobile homes less than fifty (50) feet in length, four (4) ties per side shall be required.
 - 3) All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.
 - 4) All additions to a mobile home shall be similarly anchored.
- B. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the City Manager, Building Inspector and Police Chief, for mobile home parks and mobile home subdivisions.
- C. Mobile homes within zones A1-30 on the Flood Insurance Rate Map shall be located in accordance with the following instructions:
- 1) All mobile homes shall be placed on stands or lots which are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level.
 - 2) Adequate surface drainage away from all structures and access for a mobile home hauler shall be provided.
 - 3) In the instance of elevation on pilings, lots shall be large enough to permit steps. Pilings and foundations shall be placed in stable soil no more than ten (10) feet apart. Reinforcement shall be provided for piers more than six (6) feet above ground level.
6. Floodways
- Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
- A. New construction, substantial improvements and all other development, including fill, shall be prohibited within zones numbered A1-30 on the FIRM, except where it is demonstrated to the Building Inspector, when combined with all other existing and anticipated development, will not harmfully increase the water surface elevation of a base flood. In determining whether a harmful increase will occur, compliance with Public Act 245 of 1928, as amended, by allowable increase shall not exceed one (1) foot. The provisions of this item shall not apply within the regulatory floodway. The provisions of the following Subitem B. shall be applied to land situated within the regulatory floodway.
- B. New development occurring within the regulatory floodway shall comply with the following standards:
- 1) Encroachments, including fill, new construction, substantial improvements and other development shall be prohibited. Exception to this prohibition shall only be made upon certification by a registered professional engineer of the Michigan Department of Natural Resources that the development proposed will not result in any increases in flood levels during a base flood discharge, and in compliance with Act 245, Public Acts of 1929, as amended by Act 167, Public Acts of 1968.
- C. The uses of land permitted in an underlying zoning district shall not be construed as being permitted within the regulatory floodway, except upon compliance with the provisions of the above Item B.

ARTICLE XII

T&R, TECHNOLOGY AND RESEARCH DISTRICTS

PREAMBLE

The T&R Technology and Research Districts are designed to provide for the coordinated development and complementary research, office, applied technology, and light industrial uses in a planned complex which offers a full range of support facilities and services including hotels, recreation, and multiple family housing.

Technology and Research Districts are to be located and designed to:

1. Create employment and activity focal points which benefit the surrounding community.
2. Provide opportunities for establishing mutually supportive relationships with institutions for higher learning.
3. Afford safe and efficient access to and from nearby highway interchanges.
4. Ensure a high standard of visual and environmental quality by preserving significant open spaces, protecting natural site amenities, and strictly limiting the nuisance impacts sometimes associated with light industrial operations.
5. Create a unified District image through coordinated infrastructure development, site planning, and architectural design.

SECTION 1200. PRINCIPAL USES PERMITTED

In the T&R Technology and Research District no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Ordinance:

1. Any use charged with the principal function of research, design, and development of pilot or experimental products and processes including research labs, training facilities, and light assembly operations as adjuncts to the principal use. Assembly operations shall be limited to those involving premanufactured finished objects and components and shall include only the incidental fabrication, machining, or forming of metal, plastic, or other materials as part of product development, experimentation, demonstration and repair, or the provision of customized components.
2. Data processing and computing centers, and related services.
3. Single and multi-tenant office buildings. Sales as an adjunct to the principal use are also permitted.
4. Accessory buildings and accessory uses customarily incidental to any of the above principal uses permitted (e.g., child care, food service, and health/workout rooms, and other similar adjunct uses provided within a facility which are intended for sole use of the workers of said facility and not the general public).
5. Uses determined to be similar to the above principal permitted uses in accordance with the criteria set forth in Section 1827 and which are not listed below as Special Land Uses Permitted.

SECTION 1201. SPECIAL LAND USES PERMITTED:

The following uses may be permitted under the purview of Section 1818 by the City Council, after site plan review and Public Hearing by the Planning Commission, and subject further to such other reasonable conditions which, in the opinion of the City Council, are necessary to provide adequate protection to the health, safety, general welfare, morals and comfort of the abutting property, neighborhood and the City of Auburn Hills:

1. Retail business conducted wholly within an enclosed building. Such uses shall be accessory to the principal use of the premises. Freestanding retail shopping centers and freestanding restaurants, including drive-through and drive-in restaurants, shall not be permitted in the district.
2. Banks and credit unions with drive-in facilities may be permitted when said drive-in facilities are incidental to the principal function, and subject to the following conditions:
 - A. Drive-up stations shall provide at least five (5) queuing spaces eighteen (18) feet long by ten (10) feet wide from each order/transaction station. The lane containing the queuing spaces shall be separate and distinct from other access drives and maneuvering lanes for parking

- spaces. The queuing space lane shall have a clear width of ten (10) feet and be physically separated from access drives, maneuvering lanes and parking spaces with a landscaped area eight (8) feet wide with raised curbs on all sides.
- B. Drive-up windows shall provide at least ten (10) queuing spaces eighteen (18) feet long by ten (10) feet wide from the window. The lane containing the queuing spaces shall be separate and distinct from other access drives and maneuvering lanes for parking spaces. The queuing space lane shall have a clear width of ten (10) feet and be physically separated from access drives, maneuvering lanes and parking spaces with a landscaped area eight (8) feet wide with raised curbs on all sides.
3. New motels, hotels, and conference centers, or the expansion of existing motels, hotels, and conference centers, shall only be permitted in the T&R Technology and Research Districts via Section 1830. Planned Unit Development Option. The decision to approve a Planned Unit Development allowing a motel, hotel, and/or conference center, or the expansion of an existing motel, hotel, and/or conference center, in the T&R Technology and Research Districts shall be at the sole discretion of the City Council, after recommendation from the Planning Commission. An applicant shall not have the right to seek relief from this section to the Zoning Board of Appeals. Motels, hotels, and conference centers approved by the City Council in the T&R Technology and Research Districts before February 17, 2020 shall be considered legally conforming and subject to the Zoning Ordinance standards and conditions in effect at the time of the City approval.
4. Nursery schools, day nurseries and child care centers provided the following conditions are met:
- A. Such facilities shall be located on major thoroughfares with an existing or proposed right-of-way of one hundred and twenty (120) feet.
- B. Any area not used for parking in the front yard shall be kept in lawn and landscaped in accordance with Section 1808.
- C. Outdoor play areas shall be in the side or rear yard in the amount of one hundred (100) square feet for each child cared for, but at least a minimum of one thousand two hundred (1,200) square feet.
- D. Whenever the school or center abuts a residential district, parking, drop off, and play areas shall be screened with an obscuring six (6) foot fence or wall, four foot six inch (4'6") high berm with landscaping or a twenty (20') foot wide greenbelt landscaped in accordance with Section 1808, or a combination of the above, whichever in the opinion of the Planning Commission and City Council achieves the objective of screening and controlling noise levels.
- E. Any other conditions which the Planning Commission and City Council deem necessary to assure that the technology and research character of the district shall be maintained.
5. Multiple family residential dwellings as permitted by Article VI provided that the total site area in any one (1) development is no less than ten (10) contiguous acres and no more than twenty (20) percent of the total developed acreage within the District is developed for multiple family residential use. The requirements of Section 1700 shall also be adhered to.
6. Public, quasi-public, and commercial recreation facilities including parks, golf courses, health and athletic clubs.
7. Light industrial uses listed as Principal Uses Permitted in Section 1300 when conducted wholly within an enclosed building and subject to the Required Conditions specified below in Section 1202
8. Vertical Take-Off and Landing fields (VTOL), and Heliports shall be permitted subject to the following conditions:
- A. The minimum site size for heliports shall be one (1) acre, unless the location or other circumstances would dictate a smaller site, and shall conform in dimension to the requirements of the FAA.
- B. Any petitioner for a heliport shall prepare a written statement to City Council addressing at least the following factors:
1. Minimum obstructions in the approach and departure area.
 2. Minimum disturbance from noise and desirable location with regard to adjacent land use.
 3. Access to surface transportation.

4. Safety precautions for the control of pedestrian and vehicular circulation in relation to the heliport.
9. Wireless communication facilities in accordance with the standards and requirements listed in Section 1832, except for co-location applications which are subject to the administrative review provisions listed in Section 1832, Item K.
10. Vehicular evaluating tracks, provided the following conditions are met:
 - A. The track shall be screened from public view in accordance with Section 1808.
 - B. Any outdoor lighting shall be shielded in compliance with Section 1810.
 - C. The noise limitations and other requirements of Section 1807, shall be adhered to.
 - D. Adequate safeguards shall be provided to prevent the trespass of animals onto the track.
11. Outside storage of vehicles only when the vehicles are accessory to the principal use of the premises. Space for said outside storage of vehicles shall be provided in addition to required parking. Such areas shall be screened from adjacent public right-of-ways and properties with a minimum twenty-five (25) foot landscaped greenbelt with staggered eight (8) foot evergreen trees. Alternative screening techniques within the minimum twenty-five (25) foot landscaped greenbelt shall be at the discretion of the City Council, after recommendation from the Planning Commission. The vehicle storage shall relate to the retrofit, manufacture, or testing of said vehicles.
Exception: The Director of Community Development may approve the outside storage of vehicles only when the vehicles are accessory to the principal use of the premises and provided the total site area is no less than four-hundred (400) contiguous acres.
12. Free standing sports stadiums or arenas provided that the total site area is no less than one-hundred (100) contiguous acres and access to the property is provided from both Lapeer Road and Harmon Road.
13. Colleges, universities and other such institutions of higher learning, both public and private, provided the property is located on the land bounded by M-59 and Featherstone Road, between I-75 and Squirrel Road.
14. Accessory buildings and accessory uses customarily incidental to any of the above special land uses permitted.
15. Special land uses determined to be similar to the above special land uses in accordance with the criteria set forth in Section 1828. The application for Special Land Use Approval will be evaluated on the basis of the following criteria in addition to the requirements of Section 1818. Will the proposed development:
 1. Have an adverse effect on the ambient noise level for a significant number of people?
 2. Have an adverse visual or aesthetic effect?
 3. Adversely divide or disrupt an established community, or divide existing uses?
 4. Have an adverse effect on areas of unique interest or scenic beauty?
 5. Destroy or detract from important recreational areas?
 6. Interfere with important wildlife breeding, nesting, or feeding grounds?
 7. Significantly increase air or water pollution?
 8. Adversely affect the water table of the area?
 9. Cause excessive congestion on existing ground transportation facilities?
 10. Adversely affect the Master Land Use Plan for the area and the City?

SECTION 1202. REQUIRED CONDITIONS:

Principal and Special Land Uses Permitted shall be subject to the following conditions, as applicable:

1. Building Height:
Any building over four (4) stories shall require the approval of the City Council in accordance with Section 1818. Any mechanical equipment on the roof of the building, and penthouses on the building, may not be more than twenty (20) feet in height. Mechanical equipment and penthouses are not counted as a story for purposes of this Section.
2. Setbacks:
 - A. Buildings containing office uses, light industrial uses or research-related lab and/or assembly operations, or any mixture of said uses, shall be setback a minimum of fifty (50) feet from any public right-of-way. Minimum side and rear yard setbacks specified in Section 1701 for I-1, Light Industrial uses shall be observed.

- B. Buildings four (4) stories or taller shall provide a minimum front, side, and rear setback equal to the height of the building.
 - C. Nursery schools, day nurseries, and child care centers shall observe the minimum setback requirements specified in Section 1701 for the B-2, General Business district.
 - D. Hotels, motels, and conference centers shall be set back a minimum of fifty (50) feet from any public right-of-way. Minimum side and rear yard setbacks shall be equal to the height of the building.
 - E. Public, quasi-public, and commercial recreation buildings shall be setback a minimum of fifty (50) feet from any public right-of-way. Minimum side and rear yard setbacks specified in Section 1701 for B-2, General Business uses shall be observed.
 - F. All buildings shall be located at least one hundred (100) feet from any residential development.
 - G. All residential uses shall observe the applicable minimum setback requirements specified in Section 1700.
3. Landscaping and Buffers:
- A. Landscaping shall be provided in accordance with the requirements of Section 1808.
 - B. A minimum twenty-five (25) foot landscaped greenbelt shall be provided abutting public right-of-ways and private road easements in accordance with Section 1808 and kept free of parking.
 - C. A minimum twenty-five (25) foot landscaped greenbelt with staggered eight (8) foot evergreen trees shall be provided between residential and non-residential uses. Alternative screening techniques within the minimum twenty-five (25) foot landscaped greenbelt shall be at the discretion of the City Council, after recommendation from the Planning Commission.
 - D. For each one (1) story increase over four (4) stories, an additional three (3) feet of greenbelt shall be added to the greenbelt required by Section 1805 and Section 1808. This provision shall not apply to the twenty-five (25) foot required greenbelt.
4. Outside Storage:
No outside storage shall be permitted, with the exception of outside storage of vehicles as provided in Section 1201, Item 11.
5. Off-Street Parking:
Off-street parking shall be provided in accordance with Sections 1804 and 1805.
6. Cross-Access Interior Drives:
Cross-access interior drives, or drives that will allow vehicles to move from one site to another without entering the frontage street, may be required.
7. Off-Street Loading:
Off-street loading space shall be provided in accordance with Section 1701, Item p and Section 1806, with the exception that office uses shall provide paved loading space at a ratio of ten (10) square feet per front foot of building.
8. Performance Standards:
All development shall adhere to the Performance Standards specified in Section 1807.
9. Protection of Natural Amenities:
Natural terrain and amenities shall be protected and preserved to the greatest extent possible.
10. Site Plan Review:
Site plan review and approval is required for all development within the District in conformance with Section 1815.
11. Freestanding Lighting:
Freestanding light poles shall not exceed forty (40) feet in height and lighting shall be shielded onto the site so as to not become a nuisance to adjacent areas. For purposes of clarification, the height of light poles illuminating outdoor recreation facilities permitted via Section 1201, Item 6 may exceed forty (40) feet in height at the discretion of the City Council upon Special Land Use review and approval of said use.

SECTION 1203. AREA AND BULK REQUIREMENTS

See Article XVII, Schedule of Regulations, for additional requirements limiting the height and bulk of buildings and not in conflict with this Article XII.

(Amended: 3-06-00 per Ordinance No. 658)
(Amended: 11-11-02 per Ordinance No. 712)
(Amended: 10-06-03 per Ordinance No. 726)
(Amended: 6-26-17 per Ordinance No. 894)
(Amended: 2-17-20 per Ordinance No. 913)

ARTICLE XIII

I-1, LIGHT INDUSTRIAL DISTRICTS

PREAMBLE

The I-1 Light Industrial Districts are designed so as to primarily accommodate wholesale activities, warehouses, and industrial operations whose external physical effects are restricted to the area of the District, and in no manner affect in a detrimental way any of the surrounding districts. The I-1 District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products, from previously prepared material, it being the intent that the processing of raw material for shipment in bulk form, to be used at an industrial operation at another location, not be permitted.

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

1. To provide sufficient space, in appropriate locations, to meet the needs of the City's expected future economy for selected types of manufacturing.
2. To promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, odor, and other objectionable influences.
3. To promote the most desirable use of land in accordance with a well considered plan. To protect the character and established pattern of adjacent development, to conserve the value of land and buildings, and other structures, and to protect the City's tax revenues.

SECTION 1300. PRINCIPAL USES PERMITTED:

In the I-1 Light Industrial Districts no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance:

1. Any of the following uses when conducted wholly within a completely enclosed building (no outside storage of permanent vehicles, material or equipment):
 - A. Warehousing and wholesale establishments, with retail sale only if accessory to the principal use.
 - B. The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware, and cutlery; tool, die, gauge and machine shops.
 - C. The manufacture, compounding, assembling or treatment of articles or merchandise from previously prepared materials such as , but not limited to: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stone, shell, textiles, tobacco, wax, wire, wood (excluding saw and planing mills), and yarns. Sheet metal stamping is not permitted as a principal use.
 - D. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
 - E. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other small molded rubber products.
 - F. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
 - G. Manufacture and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves, and the like.
 - H. Automobile repair stations, automobile or other machinery assembly plants; painting and varnishing shops, and undercoating shops.
 - I. Experimental, film or testing laboratories.
 - J. Building material storage and sales in an enclosed building.
2. Private paramedical emergency facilities subject to the following conditions:
 - A. Such facilities shall be located only on collector thoroughfares or major thoroughfares as indicated on the adopted Major Thoroughfare Plan of the City of Auburn Hills.

- B. All ingress and egress on the site shall be located at least fifty (50) feet from any adjacent property line or right-of-way line.
 - C. If not in existence, a passing lane shall be provided opposite the ingress/egress route used for paramedical and such other emergency vehicles in addition to the required acceleration and deceleration lanes. The passing lane is required to insure that the purpose and intent of this Zoning Ordinance is met, and is deemed necessary to prevent traffic congestion in order to assure proper egress for fast moving and accelerating emergency vehicles in order to protect the health and safety of the citizens of Auburn Hills and abutting areas.
 - D. All such facilities shall be developed on sites of at least one (1) acre in area.
- 3. Any use charged with the principal function of research, design and development of pilot or experimental products and processes including research labs, training facilities, and light assembly operations as adjuncts to the principal use. Assembly operations shall be limited to those involving premanufactured finished objects and components, and shall include only the incidental fabrication, machining or forming of metal, plastic, or other materials as part of product development, experimentation, demonstration and repair, or the provision of customized components.
 - 4. Data processing and computing centers and related services.
 - 5. Oil and gas wells in accordance with the criteria set forth in Section 1835.
 - 6. Accessory buildings and accessory uses customarily incidental to any of the above principal uses permitted; however, accessory uses shall not exceed fifty (50) percent of the gross building area (e.g., general office, child care, food service, health/workout rooms, and other similar adjunct uses provided within a facility which are intended for sole use of the workers of said facility and not the general public).
 - 7. Uses determined to be similar to the above principal permitted uses in accordance with the criteria set forth in Section 1827 and which are not listed below as special land uses.
(Amended: 11-11-02 per Ordinance No. 712)
(Amended: 4-21-14 per Ordinance No. 859)

SECTION 1301. SPECIAL LAND USES PERMITTED:

The following uses may be permitted under the purview of Section 1818 by the City Council, after site plan review and Public Hearing by the Planning Commission, and subject further to such other reasonable conditions which, in the opinion of the City Council, are necessary to provide adequate protection to the health, safety, general welfare, morals and comfort of the abutting property, neighborhood and City of Auburn Hills:

- 1. Lumber and planing mills when completely enclosed and when located in the interior of the District so that no property line shall form the exterior boundary of the I-1 District.
- 2. Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.
- 3. Sheet metal stamping operations limited to die tryout and prototype parts (vs. regular production parts) provided that blank sizes shall be limited to 54 inches by 36 inches by 0.035 inches, and further provided that Performance Standards of Section 1807, Item 10 shall be adhered to. In addition to the information required for Site Plan Review by Section 1815, Items 3 and 5, the petitioner shall provide data on soil conditions and assurances, through press foundation design or other, that potential changing ground conditions will not cause increases to noise levels and vibration standards exceeding maximum allowable limitations.
- 4. Storage of vehicles such as trucks, farm implement tractors, off-road self-propelled vehicles, and trailers when accessory to the main use of the building subject to controls to eliminate unsightly appearance.
- 5. The temporary storage of vehicles overnight or through weekend days only when the vehicles are accessory to the main use of the premises. Space for such parking shall be provided in addition to required employee parking.
- 6. Check cashing facilities other than banks, savings and loans, and credit unions only when located on an individual parcel not accessible to any other use, and only when not adjacent to a parcel which contains a retail or restaurant use.

7. Self-storage facilities used to provide temporary storage needs for businesses, apartment dwellers, and other individuals on a self-service basis subject to the following:
 - A. The minimum site size devoted to traditional facilities with rows of multiple single-story storage buildings with self-service primarily accessible from an exterior driveway shall not be less than ten (10) acres. Vertical, multiple-story climate controlled facilities, dedicated for the exclusive use of storage, with self-service access primarily from common interior spaces shall have no minimum site size.
 - B. Ingress and egress from the site shall be provided from a major thoroughfare of one hundred and twenty (120) feet in existing or proposed right-of-way.
(Amended: 1-22-07 per Ordinance No. 795)
8. Warehouse, storage and transfer, electric and gas service buildings and yards, water supply plants, water and gas tank holders, railroad transfer and storage tracks, heating and electric power generating plants, and railroad right-of-way.
9. Building material storage and sales, including landscaping materials and pallets.
10. Sales space for new cars, motor homes, travel trailers, and mobile homes, with used cars, used motor homes, used travel trailers, and used mobile homes as an accessory facility only to the new sales, subject to the following:
 - A. All lighting shall be shielded from adjacent residential districts in accordance with Section 1810.
 - B. Ingress and egress to the outdoor sales area shall be at least sixty (60) feet from the intersection of the right-of-way of any two (2) streets.
 - C. Screening and landscaping shall be provided in accordance with Section 1808 where the I-1 District abuts R, RM, MHP or residential uses in the SP Special Purpose District.
11. Sales space for used cars provided the following conditions are met:
 - A. Such uses shall only be allowed on major thoroughfares of one hundred and twenty (120) feet in right-of-way.
 - B. Ingress and egress to the site shall be at least sixty (60) feet from the intersection of the right-of-way of any two (2) streets.
 - C. In addition to loading and unloading area, parking spaces, and maneuvering lanes, display areas shall be provided with asphaltic or concrete surfacing.
12. Indoor recreational uses involving large uses of a nature which could be easily converted to industrial usage.
13. Wireless communication facilities in accordance with the standards and requirements listed in Section 1832. Wireless Communication Facilities, except for co-location applications which are subject to the administrative review provisions listed in Section 1832, Item K.
14. Vertical Take-Off and Landing fields (VTOL), and Heliports shall be permitted subject to the following conditions:
 - A. The minimum site size for heliports shall be one (1) acre, unless the location or other circumstances would dictate a smaller site, and shall conform in dimension to the requirements of the FAA.
 - B. Any petitioner for a heliport shall prepare a written statement to City Council addressing at least the following factors:
 1. Minimum obstructions in the approach and departure area.
 2. Minimum disturbance from noise and desirable location with regard to adjacent land use.
 3. Access to surface transportation.
 4. Safety precautions for the control of pedestrian and vehicular circulation in relation to the heliport.
15. Commercial Kennel and Animal Husbandry. The raising for profit of any fur bearing animals or commercial kennel shall be permitted on parcels of five (5) acres or more in size and the pens or cages shall be located not less than one hundred (100) feet from any front, side or rear property line, and further provided that such use shall not be injurious to the surrounding neighborhoods. The property shall not be located within 1,000 ft. of a residential district. In the instance of the raising for profit of horses, cows, or other large animals that weigh two hundred (200) pounds or over at maturity, the minimum site size shall be five (5) acres plus one (1) acre for each additional

animal. Further, all requirements of the Performance Standards in Section 1807 shall be adhered to.

A. Doggy Day Care Facility - Exception

1. Site size, building size, setbacks, and location.

- a. The minimum parcel size shall be three-quarters (3/4) of an acre.
- b. The maximum number of kennels and dogs housed in the kennel / indoor play area (e.g., excluding office, lobby, breakrooms) shall be determined by the following ratios:
 - i. 1 kennel per 125 sq. ft. of kennel / indoor play area
 - ii. 1 dog per 75 sq. ft. of kennel / indoor play area
- c. The building and outdoor play area together shall meet setback requirements for the I-1, Light Industrial district.
- d. Property shall not be located within 1,000 ft. of a residential district.
- e. Said use shall not be permitted in multi-tenant buildings.

2. Permitted Use.

- a. Animals shall be limited to dogs.
- b. Dogs may be groomed, trained, exercised, socialized, and boarded overnight; but not bred, sold, or let for hire.
- c. Accessory uses may include the retail sale of products related to the operation.

3. Outdoor Play Area. All animal boarding and training shall be located inside the building, with the exception that on-site outdoor play areas may be permitted for limited use.

- a. The location and size of the outdoor play area shall be at the full discretion of the City Council, after recommendation from the Planning Commission. The size of the outdoor play area shall be a minimum of 10% of the enclosed structure and a maximum 20% of the enclosed structure.
- b. A sight-obscuring fence shall provide full containment for the animals. The fence structure shall be deep enough and secured to the ground to prevent escape and high enough to prevent the animals from jumping or climbing over.
- c. The outdoor play area shall be cleaned at least daily. Liquid animal waste shall be disposed of in accordance with best management practices.

4. Interior Requirements. In addition to requirements of the Building Code as determined by the Building Official, the facility shall:

- a. Utilize impervious, washable materials for all wall finish materials a minimum of 48 inches from the floor (e.g., sealed masonry, ceramic tile, glassboard, or marlite). Floor finish shall be sealed concrete or other approved impervious surface. Liquid-tight curbing, at least six inches high, shall be installed along all walls for sanitary confinement and wash-down cleaning.
- b. Connect the floor drain system to the sanitary sewer system.

5. Waste Disposal. Refuse pick-up shall be a minimum of two (2) times a week, unless the Building Official determines additional disposal is required. Animal wastes shall be enclosed in a container of sufficient construction to eliminate odors.

(Amended: 8-01-05 per Ordinance No. 756)

16. Restaurants, including those defined as drive-through, provided the following requirements are met:

- A. There shall be a minimum distance of at least two thousand (2,000) lineal feet between restaurants with indoor seating only, regardless of zoning district, on the same side of any right-of-way.
- B. There shall be a minimum distance of at least two thousand (2,000) lineal feet between drive-through and/or drive-in restaurants, regardless of zoning district, on the same side of any right-of-way.
- C. The minimum yard requirements of the B-2 General Business District shall be adhered to.
- D. Such uses shall only be allowed on major thoroughfares existing or proposed to be at least one hundred and twenty (120) feet in right-of-way.
- E. Ingress and egress to the site shall be at least sixty (60) feet from the intersection of the rights-of-way of any two (2) streets.

- F. Ingress and egress shall be limited to one (1) boulevard entrance, unless circumstances exist where individual drives can be placed at least five hundred (500) feet apart.
 - G. Restaurants with drive-through facilities shall only be permitted on sites containing one and one-half (1½) net acres, and having one hundred and fifty (150) feet of road frontage width. The Site Plan shall clearly reflect that the queuing lane and parking maneuvering lane are not in conflict, and will not inhibit safe ingress and egress from/to the main access thoroughfare.
 - H. Restaurants with drive-through facilities shall provide at least ten (10) vehicle queuing spaces eighteen (18) feet long by ten (10) feet wide from the order station. The lane containing the queuing spaces shall be separate and distinct from other access drives and maneuvering lanes for parking spaces. The queuing space lane shall have a clear width of ten (10) feet and be physically separated from access drives, maneuvering lanes and parking spaces with a landscaped area five (5) feet wide with raised curbs on all sides.
- 17. Outdoor seating or outdoor facilities for the serving and/or consumption of food or beverages for restaurants and other similar uses, where food and/or beverages are served and/or consumed, subject to all provisions of Article IX, Section 902, Special Land Uses Permitted.
 - 18. Offices, provided the following requirements are met:
 - A. The Building in which the office use is to be located does not exceed fifteen thousand (15,000) square feet in total area.
 - B. The minimum yard requirements of the I-1 Light Industrial District shall be adhered to.
 - C. Loading space shall be provided in the rear or side yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements.
 - D. Except as otherwise provided herein, all other requirements of the O Office District as contained in Article VII of this Ordinance shall be complied with.
 - 19. Private clubs, fraternal organizations and lodge halls.
 - 20. Churches and places of worship.
 - 21. Colleges, universities and other such institutions of higher learning, both public and private, provided the property is located on the land bounded by M-59 and Featherstone Road, between I-75 and Squirrel Road.
 - 22. Training facilities, located on parcels that are twenty-five (25) acres or greater in size, that provide a scenario-based learning environment for career preparation and continuing education in law enforcement, firefighting, and emergency medical services as well as civilian emergency preparedness.
 - 23. Accessory buildings and accessory uses customarily incidental to any of the above special land uses permitted; however, accessory uses shall not exceed fifty (50) percent of the gross building area.
 - 24. Special land uses determined to be similar to the above special land uses in accordance with the criteria set forth in Section 1828.

(Amended: 11-11-02 per Ordinance No. 712)

(Amended: 5-15-06 per Ordinance No. 779)

(Amended: 6-25-18 per Ordinance No. 903)

SECTION 1302. AREA AND BULK REQUIREMENTS:

See Article XVII, Schedule of Regulations, limiting the height and bulk of buildings.

ARTICLE XIV

I-2, GENERAL INDUSTRIAL DISTRICTS

PREAMBLE

The I-2 General Industrial Districts are designed primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations whose external physical effects will be felt to some degree by surrounding districts. The I-2 District is so structured as to permit the manufacturing, processing and compounding of semi-finished or finished products from raw materials. All uses in the I-2 General Industrial District shall be so regulated as to not become a nuisance to any adjacent residential district or use.

SECTION 1400. PRINCIPAL USES PERMITTED:

In the I-2 General Industrial Districts no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance:

1. Any principal uses first permitted in an I-1 District, provided the standards of this I-2 District are met.
2. Lumber and planing mills when completely enclosed and when located in the interior of the District so that no property line shall form the exterior boundary of the District.
3. Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.
4. Sheet metal stamping operations provided that blank sizes shall be limited to 54 inches by 36 inches by 0.035 inches and further provided that the Performance Standards of Section 1807, Item 10 shall be adhered to. In addition to the information required for Site Plan Review by Section 1815, Items 3 and 5, the petitioner shall provide data on soil conditions and assurances, through press foundation design or other, that potential changing ground conditions will not cause increases to noise levels and vibration standards exceeding allowable limitations.
5. Experimental, film, or testing laboratories.
6. Manufacture and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves, and the like.
7. Warehouse storage and transfer, and electric and gas service buildings and yards, water supply and sewage disposal plants, water and gas tank holders, railroad transfer and storage tracks, heating and electric power generating plants, and railroad right-of-way.
8. Building material storage and sales.
9. Oil and gas wells in accordance with the criteria set forth in Section 1835.
10. Accessory buildings and accessory uses customarily incidental to any of the above principal uses permitted; however, accessory uses shall not exceed fifty (50) percent of the gross building area.
11. Uses determined to be similar to the above principal permitted uses in accordance with the criteria set forth in Section 1827 and which are not listed below as special land uses.

(Amended: 11-11-02 per Ordinance No. 712)

(Amended: 4-21-14 per Ordinance No. 859)

SECTION 1401. SPECIAL LAND USES PERMITTED:

The following uses may be permitted under the purview of Section 1818 by the City Council, after site plan review and Public Hearing by the Planning Commission, and subject further to such other reasonable conditions which, in the opinion of the City Council, are necessary to provide adequate protection to the health, safety, general welfare, morals and comfort of the abutting property, neighborhood and City of Auburn Hills:

1. Any Special Land Uses Permitted in the I-1 District, provided the standards of this I-2 District are met.
2. Sheet metal stamping operations subject to appropriate measures to control the process to eliminate unsatisfactory effects on adjacent property from vibration and noise.
3. Indoor recreational uses involving large uses of a nature which could be easily converted to industrial usage.

4. Heating and electric power generating plants, and all necessary accessory uses.
5. Any production, processing, cleaning, servicing, repair, or storage of materials, goods, or products which shall conform with the Performance Standards set forth in Section 1807.
6. The raising of animals or commercial kennels subject to the Special Land Use requirements of Section 1301, Item 15 of the I-1 District.
7. Truck tractor and trucking facilities, including storage and repair.
8. Freight yards and truck terminals.
9. Fleet fueling facilities other than gasoline service stations, provided the following requirements are met:
 - A. Such uses shall not provide any service or retail facilities.
 - B. Such uses shall not provide any temporary or permanent parking facilities, other than for the employees of the fleet fueling facility.
 - C. Queuing spaces shall be provided for vehicles waiting to be fueled and such spaces shall be separated from any other maneuvering lanes.
 - D. Direct access shall be provided for ingress and egress to the facility from a collector or major thoroughfare as indicated on the adopted City of Auburn Hills Major Thoroughfare Plan.
 - E. Any overhead canopies shall meet all setback requirements.
 - F. Toilet facilities shall be provided.
10. Wireless communication facilities in accordance with the standards and requirements listed in Section 1832. Wireless Communication Facilities, except for co-location applications which are subject to the administrative review provisions listed in Section 1832, Item K.
11. Outdoor theaters subject to the following conditions:
 - A. The proposed internal design shall receive approval from the City Engineer as to adequacy of drainage, and other technical aspects.
 - B. Points of ingress and egress shall be available to the outdoor theater from abutting major thoroughfares of at least one hundred and twenty (120) feet in existing or proposed right-of-way, or greater, and shall not be available from any residential street.
 - C. All vehicles waiting or standing to enter the facility shall be provided off-street waiting space in the ratio of one (1) space for every ten (10) viewing spaces within the drive-in theater. No vehicle shall be permitted to wait or stand within a dedicated road right-of-way.
12. Sales and rental of construction equipment and other types of large machinery in which outside storage of same is the primary use.
13. Accessory buildings and accessory uses customarily incidental to any of the above special land uses permitted; however, accessory uses shall not exceed fifty (50) percent of the gross building area.
14. Special land uses determined to be similar to the above special land uses in accordance with the criteria set forth in Section 1828.

(Amended: 11-11-02 per Ordinance No. 712)

SECTION 1402. AREA AND BULK REQUIREMENTS:

See Article XVII, Schedule of Regulations, limiting the height and bulk of buildings.

ARTICLE XV

I-3, HEAVY INDUSTRIAL DISTRICTS

PREAMBLE

The I-3 Heavy Industrial District is designed to provide for industrial uses that are intensive in nature and could exert nuisance, environmental or safety factors to abutting use districts or neighboring communities abutting the City of Auburn Hills. The intent of the District is to assure that any petitioner or proprietor is responsible for protecting the health, safety, morals, comfort, and general welfare of residents and investors in the area, the City, and neighboring communities.

SECTION 1500. SPECIAL LAND USES PERMITTED:

The following uses may be permitted under the purview of Section 1818 by the City Council, after site plan review and Public Hearing by the Planning Commission, and subject further to such other reasonable conditions which, in the opinion of the City Council, are necessary to provide adequate protection to the health, safety, general welfare, morals and comfort of the abutting property, neighborhood and City of Auburn Hills:

1. Vehicular salvage yards provided such are entirely enclosed within an eight (8) foot obscuring wall. There shall be no burning on the site and all industrial processes including the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
2. Junk yards.
3. Incineration of any nonresidential refuse, industrial, hazardous or other wastes when conducted within an approved and enclosed incinerator plant subject to the following conditions:
 - A. Any incinerator facility (incinerator, storage area and receiving area) shall be at least one thousand (1,000) feet from the perimeter of the parcel. Any nonhazardous waste incinerator facility with a capacity of one thousand (1,000) pounds per hour, or less, shall be exempt from these setback requirements, except for Items B. and C. below. Industrial buildings for other uses may be allowed in the one thousand (1,000) foot buffer when a part of a cooperative energy recovery development and nonhazardous waste incinerator.
 - B. Any other structure, building or materials, other than the incinerator, receiving area, and waste storage shall be set back a minimum of one hundred (100) feet from all abutting property lines, streets, and railroad rights-of-way; however, any structure or building higher than forty (40) feet shall be set back an additional two (2) feet for each additional one (1) foot in excess of the minimum one hundred (100) foot setback, but in no instance shall this distance be less than five hundred (500) feet. All stack heights shall follow U.S. Environmental Protection Agency guidance for Good Engineering Practice (EPA 450/2-78-046) and demonstrations shall be provided that Ground Level Concentrations (GLC's) at the property line shall not cause a nuisance or community air pollution impact.
 - C. The entire site shall be surrounded by a planted and maintained greenbelt conforming to Section 1808 of this Ordinance.
 - D. All uses permitted in this subsection shall be subject to the provisions of Act 64 of the Public Acts of 1979, known as the Hazardous Waste Management Act, and Act 641 of 1978, the Solid Waste Management Act.
 - E. All residue resulting from the operation of an incinerator shall be removed from the site of the incinerator and disposed of in an approved disposal site.
 - F. Any request for approval of a hazardous waste incinerator shall include an operations and maintenance plan in graphic and text form describing the method and practices to be followed in the actual day-to-day operation of the incinerator. Data necessary to be submitted and included as part of the operational plan includes the following:
 - 1) A complete Environmental Impact Report prepared pursuant to the specifications of the Michigan Environmental Protection Act, being Act 127 of 1970. This shall also include a review of alternative sites. This plan shall be supplemented by a

- detailed analysis of impacts from noise, vibration, odor, visual impairment and air pollutants past the property line and in the surrounding communities.
- 2) A copy of Act 64 of the 1979 hazardous waste disposal facility construction permit with all attachments, and/or Act 641 of 1978 permits with all attachments.
 - 3) A copy of Act 348 of 1965 Air Quality Permit with all attachments.
 - 4) A market analysis report indicating the economic feasibility of the proposed use.
 - 5) A site operational plan describing the methodology of transfer of wastes from vehicles to the incineration point, methods of mitigating hazardous waste spills and accidents, staffing expectations, hours of operation, and methods for closing and removal of the buildings, structures, and facilities should the incinerator cease operation for a period exceeding six (6) months. Such plan shall be reviewed by the City Environmental Review Board.
- G. Paved access with curbing that will retain rainfall and potential spills shall be available to each site, and each site shall have a paved major thoroughfare proposed to be at least one hundred and twenty (120) feet in existing or proposed right-of-way.
 - H. All storage drums, or material to be incinerated, other than that stored in large holding tanks, shall be stored within a totally enclosed building(s). In addition, loaded tank trucks shall be parked only within a diked area which shall be at least one and one-half (1 1/2) times the volume of the amount to be stored, and shall not include the access road(s).
 - I. There shall be no unlicensed or non-manifested carriers on the site at any time.
 - J. All facilities for rail tank cars or other rail container cars shall be provided with storage facilities under the storage rails to assure that any spillage shall be contained until removal to the approved storage area. Said storage shall be at least one and one-half (1 1/2) times the volume of the amount to be stored.
 - K. Security methods including fencing for the incinerator facility shall be submitted with the required site plan.
 - L. Fire and explosive hazard control shall be outlined and submitted with the required site plan.
 - M. Methods of controlling and avoiding any spillage of liquids or materials into the storm sewer system or off the property shall be outlined for all operational areas, including access.
 - N. The storage capacity of the material to be incinerated on the site shall not exceed twenty (20) days at the rated capacity of the plant. Residue storage shall not exceed one hundred and twenty (120) cubic yards at any time, and shall be stored inside on a contained concrete or superior surface.
 - O. The site for the disposal facility shall be at least five hundred (500) feet from any existing or proposed overhead utility lines.
 - P. Facilities shall be provided for washing all carriers and containers prior to departure from the disposal site. An approved method shall be provided to store used liquids used for washing until movement to the approved disposal site.
4. Barrel reclamation or recycling operations.
 5. Waste lagoon ponds subject to the following conditions:
 - A. In no instance shall a waste lagoon pond be closer than one hundred and fifty (150) feet to a road right-of-way or abutting residential district.
 - B. An eight (8) foot completely obscuring wall or fence shall be erected around the entire site, and control gates for ingress and egress shall be installed. In lieu of a wall or fence, an earth embankment in the form of a berm with a minimum height of eight (8) feet may be utilized at the discretion of the City Council upon recommendation by the Planning Commission.
 6. Mushroom plants and farms, cattle feeder lots, and chicken farm and egg factories shall be allowed subject to the following conditions:
 - A. The plant structure shall be located no closer than one hundred and fifty (150) feet to public right-of-way, or to any adjacent property line.
 - B. The area utilized for the dispensing of waste material shall be no closer than three hundred (300) feet to any public right-of-way, or to any adjacent property line.

- C. All requirements of Performance Standards, Section 1807, shall be strictly adhered to.
- D. No residential structure on the site, either permanent or temporary, shall be placed closer than five hundred (500) feet to any mushroom growing plant.
- 7. Gun clubs, whether operated for profit or not, shall be permitted provided the following conditions are met:
 - A. All Federal, State, or County and City codes and ordinances in regard to firearms shall be strictly adhered to.
 - B. In no instance shall a firearm be discharged closer than one thousand (1,000) feet to an existing residence.
 - C. In no instance shall a firearm be discharged on any range in any gun club without the presence of an employee of the gun club for supervision.
 - D. A site plan for the range, whether indoor or outdoor, shall be submitted to the Planning Commission in compliance with Section 1815 clearly indicating all safety provisions to assure that any missile fired within the confines of a gun club shall not carry into or over an adjacent district or area.
 - E. A six (6) foot high chain link fence shall be provided around the entire gun club site to assure that individuals will not unknowingly trespass on the property, particularly where firearms are being discharged.
 - F. Any other provision which the City Council deems necessary to assure the health, safety, and general welfare of the inhabitants of the City of Auburn Hills and adjacent communities.
- 8. Slaughter houses and abattoirs shall be permitted subject to the following requirements:
 - A. All requirements of Performance Standards, Section 1807, shall be strictly adhered to.
 - B. The physical plant structure, and pens, stockyard, or cages shall in no instance be closer than two thousand (2,000) feet to any adjacent residential district.
 - C. A six (6) foot high chain link fence shall be provided around the entire site to assure that individuals shall not unknowingly trespass on the property, particularly the stockyard area.
 - D. The site shall have at least one (1) continuous boundary five hundred (500) feet in length along a major thoroughfare of at least one hundred and twenty (120) foot existing or proposed right-of-way.
- 9. Utility and public service facilities and uses such as gas regulator stations and electrical substations.
- 10. Auto race tracks subject to the following conditions:
 - A. All parking shall be provided as off-street parking within the boundaries of the development and shall meet the requirements of Sections 1804 and 1805.
 - B. All access to the parking areas shall be provided from a major thoroughfare of one hundred and twenty (120) feet in existing or proposed right-of-way.
 - C. All sides of the development not abutting a major thoroughfare shall be provided with an one hundred (100) foot wide greenbelt planting, and fence or wall, so as to obscure from view all activities within the development. Said planting shall be in accordance with Section 1808.
 - D. Such use shall be on the interior of the District, or abutted on all sides by another I (Industrial) District.
- 11. Horse race tracks subject to the following requirements:
 - A. All parking shall be provided as off-street parking within the boundaries of the development and shall meet the requirements of Sections 1804 and 1805.
 - B. All access to the parking areas shall be provided from a major thoroughfare of one hundred and twenty (120) feet in existing or proposed right-of-way.
 - C. All sides of the development not abutting a major thoroughfare shall be provided with an one hundred (100) foot wide greenbelt planting, and fence or wall, so as to obscure from view all activities within the development. Said planting shall be in accordance with Section 1808.
 - D. Such use shall be on the interior of the District, or abutted on all sides by another I (Industrial) District.

12. Commercial composting operations which include, but are not limited to, material storage, curing, processing, and composting shall be subject to the following conditions:
- A. The site shall be a minimum of twenty-five (25) acres in size.
 - B. The operation shall not create a nuisance to nearby residents and property owners, which nuisance shall be defined as any activity or composting that creates odors, insects, dust, noise, or other annoyance which either constantly or occasionally unreasonably interferes in the comfortable enjoyment of life or property.
 - C. Anaerobic composting shall not be permitted. All composting operations shall use only aerobic composting methods and shall operate in a manner that prevents anaerobic composting from occurring to any significant extent.
 - D. A site plan shall be submitted which details the following:
 - 1) Isolation distances to property lines, residences, surface water, wells, and sensitive receptors as required by the State of Michigan shall be documented; with the additional restrictions that compostable materials be setback a minimum two hundred (200) feet from any property line and one-thousand (1,000) feet from any residential dwelling.
 - 2) All on-site driveways and roads shall be constructed with concrete paving and shall be designed and constructed that traffic will flow smoothly and will not be interrupted by inclement weather.
 - 3) The perimeter of the composting facility must be maintained with a fifty (50) foot wide vegetative strip and secured so as to prevent illegal dumping and restrict entry.
 - 4) Storage of compostable materials shall take place on a prepared windrow pad. A windrow shall not exceed twelve (12) feet in height. The surface of the pad shall be capable of withstanding wear and tear from normal operations and shall allow for year round operations. Unless soils are sufficiently permeable to not allow standing water, the pad shall be graded at a minimum of two (2) percent slope to minimize ponding of water where composting material is received, processed, composted, cured or stored.
 - 5) The composting facility site shall be graded to provide an adequate drainage pattern for runoff, as well as protection to adjoining properties from stormwater runoff. No composting operations or storage of compostable material shall take place on hills or inclined surfaces or on surfaces that do not provide sufficient stability, in all weather, for heavy equipment used in the composting operation.
 - 6) Any runoff generated during mixing or composting shall be collected and reintroduced into the compost pile, directed to a sanitary sewer, if available, and permitted, treated on-site or transported by a liquid industrial waste hauler which is properly licensed under the Michigan Liquid Waste Haulers Act.
 - 7) Access to a composting operation shall be gained only from a major thoroughfare with a planned right-of-way of at least one hundred and twenty (120) feet. The City Council may waive this requirement, if access is onto a paved road and the use of that road will not unreasonably interfere in the use of nearby properties.
 - E. An operations plan shall be provided at the time of submittal which details the following:
 - 1) A noise, odor, and fugitive dust and litter control plan.
 - 2) Worker health, training, and safety plan
 - 3) A detailed statement shall be provided as to what procedures will be followed and what methods and equipment will be used to ensure that:
 - a. There will be a sufficient supply of oxygen to keep the process aerobic.
 - b. Sufficient airspace and permeability will be provided so as to have an adequate supply of oxygen available to the composted materials.
 - c. The bacteriological action will not exceed 70 degrees Celsius.
 - d. Sufficient air movement to carry away excess moisture will be provided.
 - e. There will be adequate turning of the materials being composted.
 - 4) All compostables will be shredded or ground by the composting facility operator and placed in a windrow the same day as delivery.

- 5) Details of any similar operations carried on by the operator, along with the operator's training and experience in composting.
 - 6) Source(s) of the compostable materials.
 - 7) Estimated types and quantities of materials to be delivered to the composting facility in weight and volume, including documentation that carbonaceous compostable material will be available on site prior to the introduction of nitrogenous yard wastes.
 - 8) The type and daily number of vehicles to be used in the proposed operations quantified by season.
 - 9) Sufficient equipment on-site to properly manage the composting process and to ensure that the composting facility operates in accordance with this Ordinance.
 - 10) A written contingency abatement plan acceptable to the City to provide for corrections of any operational deficiencies that may occur at the facility. The plan shall, at a minimum, specify all of the following:
 - a. Identification of supervisory personnel responsible for putting into effect and the method by which supervisory personnel may be contacted. This information shall be posted on the site.
 - b. Mechanism by which offending odor, source contaminant run-off, or other operational deficiencies will be prevented.
 - c. Method by which compostables spilled by customers shall be collected and disposed of.
 - d. Criteria and method by which routine operations will recommence.
 - e. Method by which incoming material will be halted, hauled, or directed to an alternate facility.
 - 11) Plan for finished material once composting has been completed.
 - 12) The proposed use of the land after the composting operation is completed.
- F. Every composting facility operator shall maintain and keep business records at the site which at a minimum shall include, but not be limited to records showing:
- 1) The number of employees or independent contractors who are involved in the composting facility.
 - 2) The nature and quantity of any equipment used by the composting facility.
 - 3) Number of vehicles entering the site each day.
 - 4) Name and address of the company or individual making a delivery as well as the source of the material and the municipality of origin.
 - 5) Type and quantity of compostable material received.
 - 6) When windrows are turned and the temperature and moisture content of windrows prior to turning.
 - 7) Complaints received and actions taken.
 - 8) Sampling procedures and results of material tests taken.
 - 9) Any other records necessary for the City to monitor compliance with this Ordinance.
- G. The City and its officials, including designated agents and employees, shall have the right to inspect any composting facility to determine compliance with this Ordinance including review of the operating records. The City shall provide twenty-four (24) hours notice prior to examination of any such operating records. The composting facility operator and owner, including their agents and employees, shall cooperate fully with the City with respect to any such inspections.
- H. No composting facility may operate in the City unless the property owner, or a composting facility operator with the approval of the property owner, shall have first obtained a Special Land Use Permit. The Special Land Use Permit approval may only be granted by the City Council in one (1) year or less increments. Prior to operation, the operator and/or property owner shall:
- 1) Pay an annual inspection fee of two-thousand and five hundred (\$2,500) dollars and one-time closure review fee of two-thousand and five hundred (\$2,500) dollars.

- 2) Provide a security consisting of a cash deposit in amount which is not less than five (\$5.00) dollars per cubic yard of compostable material as shown on the approved Site Plan and Operations Plan. The security shall guarantee compliance with this Ordinance and any permit conditions and, further, that the operation will be carried out according to the approved plans and specifications. Upon the neglect or failure of the operator to perform the obligations guaranteed by the performance guarantee, the City may use the proceeds to the extent necessary to bring the facility into compliance with this ordinance, which may include removal of the material. The security shall be provided prior to issuance of the Building Permit to allow the operation by the City.
 - 3) Install all site improvements as required on the approved site plan, unless a one-hundred (100%) percent cash deposit is provided to the City as assurance the improvements will be completed in a timely fashion.
- I. At least ninety (90) days prior to the date of planned closure of any composting facility, the owner of composting facility operator shall submit to the City a site closure plan which shall include a detailed plan as to when and how the following will be accomplished:
- 1) Removal and cleaning of all facility grounds, retention ponds and drainage areas of all compost materials, construction scrap, and other material related to the operation.
 - 2) Cleaning, removal or secure storage of all vehicles, equipment, machinery.
 - 3) Cleaning of remaining structures of compost materials, dust or other residues related to the composting operation.
- Upon termination and closure of the operation of a composting facility in accordance with this Ordinance, the composting facility operator may request in writing that the City release the security. The City shall release the security upon verification that the operator has permanently ceased operation of the composting facility and the composting facility is not in violation of the Ordinance. The operator requesting return of the security shall be responsible for payment of any additional fees occurred by the City with respect to any inspection or verification required by this ordinance, which may be deducted from the security.
13. Wireless communication facilities in accordance with the standards and requirements listed in Section 1832. Wireless Communication Facilities, except for co-location applications which are subject to the administrative review provisions listed in Section 1832, Item K.
 14. Oil and gas wells in accordance with the criteria set forth in Section 1835.
 15. Accessory buildings and accessory uses customarily incidental to any of the above special land uses permitted; however, accessory uses shall not exceed fifty (50) percent of the gross building area.
 16. Special land uses determined to be similar to the above special land uses in accordance with the criteria set forth in Section 1828.

(Amended: 11-11-02 per Ordinance No. 712)

(Amended: 8-17-09 per Ordinance No. 819)

(Amended: 4-21-14 per Ordinance No. 859)

SECTION 1501. AREA AND BULK REQUIREMENTS:

See Article XVII, Schedule of Regulations, limiting the height and bulk of buildings.

ARTICLE XVI

LF, LANDFILL DISTRICTS

PREAMBLE

The LF Landfill Districts are established to protect the health, safety and general welfare of the inhabitants of the City of Auburn Hills and environs by controlling landfills and developing reasonable standards. The filling of land with refuse results in the emission of noise, dirt, dust, and odors, and said operations effect permanent changes in the topographical and geological characteristics of land. Further, because of said changes, said operations create dangers and hazards by virtue of shifting earth, standing water, filtration into the underground water systems and other like considerations. In recognition of the fact that the promotion of the public health, safety and general welfare of the residents of the City of Auburn Hills and the preservation of the City resources and the prevention of nuisances and hazards require reasonable control of the operations, it is deemed necessary that said operations be regulated and permitted only in the LF Districts.

SECTION 1600. PRINCIPAL USES PERMITTED:

In the LF Landfill Districts, no building or land shall be used and no building shall be erected for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance:

1. Landfills.
2. Uses listed in the categories of Landfill as described under Section 1601, Categories of Landfill.
3. Accessory buildings and accessory uses customarily incidental to any of the above principal uses permitted.
4. Uses determined to be similar to the above principal permitted uses in accordance with the criteria set forth in Section 1827 and which are not listed below as Special Land Uses.

SECTION 1601. REQUIRED CONDITIONS:

All uses shall be subject to the following conditions:

1. All requirements of Excavation and Filling of Land, Section 1819, shall be met.
2. All requirements of the City of Auburn Hills Soil Excavation and Landfill Ordinance shall be met.

SECTION 1602. CATEGORIES OF LANDFILL:

Prior to the issuance of a permit for a landfill, or prior to renewal of a permit, the petitioner shall clearly demonstrate, as required in this Ordinance and the Soil Excavation and Landfill Ordinance, that upon completion of all or part of the landfill, the property can be restored to a useful purpose in one (1) or more of the following landfill categories:

- LF1 - Residential, One Family (see Article IV)
- LF2 - Residential, Mobile Home (see Article V)
- LF3 - Residential, Multiple Family (see Article VI)
- LF4 - Office (see Article VII)
- LF5 - Business (see Article VIII and Article IX)
- LF6 - Special Purpose (see Article X)
- LF7 - Technology and Research (see Article XII)
- LF8 - Light Industrial (see Article XIII)
- LF9 - General Industrial (see Article XIV)
- LF10 - Heavy Industrial (see Article XV)
- LF11 - Recreational (see Section 1603 below)

Further, such classifications will carry a subscript to identify the type of landfill allowed using the following code:

1. H Hazardous - toxic and dangerous
2. S Sanitary - household, biologically inert or totally inert
3. BI Biologically inert - foundry sand, fly ash, and wood, and totally inert
4. TI Totally inert - asphalt, cement, and the like.

SAMPLE IS: LF11, BI which means a parcel for landfill of biologically inert material as defined above (BI) with a future land use upon completion of recreation.

SECTION 1603. LF11. RECREATIONAL LANDFILL:

The purpose of this classification is to provide for a future use of land which is filled and cannot be proven satisfactory for other LF Districts or is of such a nature where recreation is the best use. This is meant to be a broad classification allowing, but not restricted to, golf courses, parks, ski hills, and race courses, where extensive buildings are not required. A site must be fifteen (15) or more acres and building must not occupy over five (5) percent of the total land area or ten (10) percent of the buildable land area, whichever is smaller. Buildings may only be built upon land suitable and safe for building and data to satisfy this requirement must be submitted and approved by the City Engineer in accordance with the City site improvement ordinance, prior to site plan submittal and consideration.

SECTION 1604. AREA AND BULK REQUIREMENTS (LF1 through LF10): Depending upon the LF1 through LF10 District described under Categories of Landfill above, the requirements of all other applicable sections of this Ordinance, and other City Ordinances, shall apply, depending on the LF District described. Area and bulk requirements of Article X SP Special Purpose Districts, shall be used for LF11.

SECTION 1605. REZONING Of LANDFILLS:

Once property has been zoned under an LF District, it must remain so zoned but may be zoned to another LF classification upon suitable engineering and scientific review and recommendation.

SECTION 1606. SPECIAL LAND USES PERMITTED:

The following uses may be permitted under the purview of Section 1818 by the City Council, after site plan review and Public Hearing by the Planning Commission, and subject further to such other reasonable conditions which, in the opinion of the City Council, are necessary to provide adequate protection to the health, safety, general welfare, morals and comfort of the abutting property, neighborhood and City of Auburn Hills:

1. In the LF1, LF2, LF3, LF4, LF5, LF6, LF7, and LF11 Districts: Utility and public service facilities and uses (without storage yards) such as gas regulator stations and electrical substations.

ARTICLE XVII SCHEDULE OF REGULATIONS

SECTION 1700. LIMITING HEIGHT, BULK, DENSITY, AND AREA BY DISTRICT TYPE

Use Districts	Minimum Size Lot Per Unit		Maximum Height of Structures		Minimum Yard Setback (Per Lot in Feet)				Minimum Floor Area Per Unit (In Square Feet)	Maximum Percentage of Lot Area Covered by All Buildings
	Area In Square Feet	Width In Feet	In Stories	In Feet	Front	Sides		Rear		
						Least One	Total of Two			
R-1A, One Family Residential Districts	20,000 (a,b)	100 (a,b)	2 (y)	25 (y)	25 (c,d)	7.5 (c,d,e)	15 (c,d,e)	35	1,200 (f)	30% (w)
R-1B, One Family Residential Districts	16,000 (a,b)	70 (a,b)	2 (y)	25 (y)	25 (c,d)	5 (c,d,e)	10 (c,d,e)	35	1,200 (f)	30% (w)
R-1C, One Family Residential Districts	12,000 (a,b)	60 (a,b)	2 (y)	25 (y)	25 (c,d)	5 (c,d,e)	10 (c,d,e)	35	1,200 (f)	30% (w)
R-1, One Family Residential Districts	8,400 (a,b)	70 (a,b)	2 (y)	25 (y)	25 (c,d)	5 (c,d,e)	10 (c,d,e)	35	1,200 (f)	30% (w)
R-2, One Family Residential Districts	7,200 (a,b)	60 (a,b)	2 (y)	25 (y)	25 (c,d)	5 (c,d,e)	10 (c,d,e)	35	1,050 (f)	30% (w)
R-3, One Family Residential Districts	6,600 (a,b)	50 (a,b)	2 (y)	25 (y)	25 (c,d)	5 (c,d,e)	10 (c,d,e)	35	950 (f)	30% (w)
R-4, One Family Residential Districts	6,000 (a,b)	50 (a,b)	2 (y)	25 (y)	25 (c,d)	5 (c,d,e)	10 (c,d,e)	35	850 (f)	30% (w)
MHP, Mobile Home Park Districts	See Article V for Regulations Governing MHP Mobile Home Park Districts									
RM-1, RM-2, and RM-3 Multiple Family Districts	(g)	(g)	2 ¾ or 6 (g)	30 (g)	30 (h,i)	20 (h)	40 (h)	40 (h)	(i)	30% (s)
O, Office Districts	(j)	(j)	2	30	25 (l)	15 (o,v)	30 (o,v)	20 (p,v)	--	(q,s)
B-1, Limited Business Districts	(j)	(j)	2	30	25 (l)	15 (o,v)	30 (o,v)	20 (p,v)	--	(q,s)
B-2, General Business Districts	(j)	(j)	2 (k)	30 (k)	25 (l,m)	25 (k,m,o,v)	50 (k,m,o,v)	20 (k,m,p,v)	--	(q,s)
SP, Special Purpose Districts	(j)	(j)	3 (l)	40 (l)	50 (l)	50 (u)	100 (u)	(u)	--	(q,s)
VC, Village Center Districts	See Article IX-A for Regulations Governing VC, Village Center Districts									
FP, Floodplain Districts	See Article XI for Regulations Governing FP, Floodplain Districts									
T&R, Technology and Research Districts	See Article XII for Regulations Governing T&R, Technology and Research Districts									
I-1, Light Industrial Districts	(j)	(j)	3	50	40 (l)	20 (v)	40 (v)	15 (p,v)	--	(q,s)
I-2, General Industrial Districts	(j)	(j)	3	50 (z)	100 (l)	40 (v)	100	100 (p)	--	(q,s)
I-3, Heavy Industrial Districts	(j)	(j)	3	50 (z)	100 (l)	40 (v)	100	100 (p)	--	(q,s)
LF, Landfill Districts	See Article XVI and Other Articles for Regulations Governing LF, Landfill Districts									

REFER TO THE FOOTNOTES ON THE FOLLOWING PAGES FOR FURTHER EXPLANATION AND REGULATIONS

*(Amended: 5-7-01 per Ordinance No. 673)
 (Amended: 7-09-01 per Ordinance No. 684)
 (Amended: 5-06-02 per Ordinance No. 696)
 (Amended: 3-20-06 per Ordinance No. 772)
 (Amended 3-04-13 per Ordinance No. 13-854)*

*(Amended: 7-12-04 per Ordinance No. 737)
 (Amended: 4-04-05 per Ordinance No. 749)
 (Amended: 11-11-02 per Ordinance No. 707)
 (Amended: 4-02-07 per Ordinance No. 800)*

SECTION 1701. FOOTNOTES TO THE SCHEDULE OF REGULATIONS:

- a) See individual Districts for any development options.
 - b) New lots may be created by subdividing existing lots, but any such lots must meet the minimum requirements in the Schedule of Regulations. Residential building sites must also meet the minimum requirements of the Schedule of Regulations, including condominium projects. Subdivisions or new parcel splits without connection or access to a public water and a public sewer system shall not be less than forty-three thousand five hundred and sixty (43,560) square feet or one (1) acre in total area.
 - c) Where a majority of the front yards of greater or less depth than the minimum required depth exists in the front of a dwelling or dwellings in existence at the time of the passage of this Ordinance on one (1) side of a street or in any block, the depth of the front yard of any building subsequently erected on that side of the street in that block shall not be less and need not be greater than the average depths of the front yards of such existing dwellings, but this shall not be deemed to require a front yard of greater depth than sixty (60) feet, or permit a depth less than twenty-five (25) feet in any case.
 - d) The side yard abutting upon a street shall not be less than twenty-five (25) feet when there is a common rear yard relationship in said block and a common side yard relationship with the block directly across the common separating street. In the case of a rear yard abutting a side yard of an adjacent lot, or when said side yard abuts on frontage across a common street, the side yard abutting a street shall not be less than the required front yard of the District.
 - e) Fences, hedges, berms, or walls constructed in Residential Districts shall adhere to the requirements in Sections 1902 and 1904.
- (Amended: 12-18-06 per Ordinance No. 794)*
- f) The minimum first floor area of any single family dwelling shall be no less than eight hundred and fifty (850) square feet. Where a single family home is constructed without a basement, an additional one hundred (100) square feet shall be added to the minimum required first floor area requirement to provide space for utilities, such as, but not limited to: furnace, hot water, laundry tubs, incinerator, and the like.
 - g) Where development is exclusively of a two (2) family residential structure(s) there shall be provided a minimum lot area of at least six thousand (6,000) square feet of gross area for each unit (or twelve thousand (12,000) square feet per two family residential structure), and a minimum lot width of forty (40) feet for each unit (or eighty (80) feet per two family residential structure). At least fifty (50) percent of the site shall be in landscaping.

No multiple family structure (three (3) or more dwelling units) shall be erected on a lot or parcel of land which has an area of less than two (2) acres, or has a lot width of less than three hundred (300) feet.

The following minimum lot area per dwelling unit type shall be required in all RM-1 and RM-2 Multiple Family Residential (Low-Rise) Districts:

<u>Dwelling Unit Type</u>	RM-1	RM-2
	<u>Minimum Lot Area Per Unit</u>	
Efficiency	4,000 sq. ft.	3,600 sq. ft.
One-Bedroom	4,400 sq. ft.	4,000 sq. ft.
Two-Bedroom	4,800 sq. ft.	4,400 sq. ft.
Three-Bedroom	5,200 sq. ft.	4,800 sq. ft.
Four-Bedroom	5,600 sq. ft.	5,200 sq. ft.

The following minimum lot area per dwelling unit type, by number of stories in the building, shall be required in all RM-3 Multiple Family Residential (High-Rise) Districts:

<u>Dwelling Unit Type</u>	<u>Four (4) Story Building</u>	<u>Five (5) or Six (6) Story Building</u>
Efficiency	1,200 sq. ft.	600 sq. ft.
One-Bedroom	1,800 sq. ft.	900 sq. ft.
Two-Bedroom	2,400 sq. ft.	1,200 sq. ft.
Three-Bedroom	3,000 sq. ft.	1,500 sq. ft.
Four-Bedroom	3,600 sq. ft.	1,800 sq. ft.

In no instance shall a building containing dwelling units in the RM-3 District, with the exception of a community building for recreational purposes which may contain a residence, be less than four (4) stories in height or higher than six (6) stories.

No multiple family dwelling unit in an RM-3 District shall be erected on a lot or parcel of land which has an area of less than five (5) acres, or has a lot width of less than four hundred (400) feet.

Plans presented which include a den, library, or such other extra room shall have such extra room counted as a bedroom for purposes of this Ordinance.

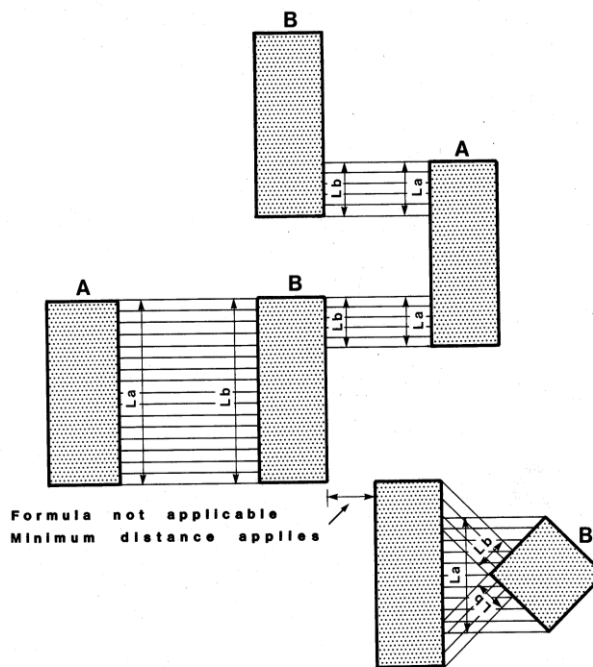
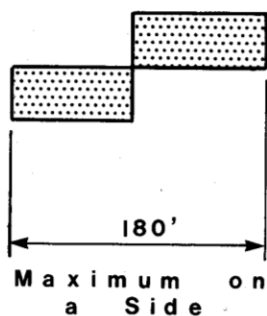
- h) For the purpose of yard regulations on the exterior of the parcel, a two family or multiple family dwelling shall be considered as one (1) building occupying one (1) lot.

Yards abutting major thoroughfares in RM-1 and RM-2 Districts shall have a minimum depth of fifty (50) feet. All multiple family dwellings within RM-1 and RM-2 Districts shall have the following minimum yard relationships:

<u>Building Relationship</u>	<u>Overall Distance Between Buildings (Exclusive of Parking Area)</u>
Front to Side	45 feet
Front to Front	50 feet
Front to Rear	60 feet
Rear to Rear	60 feet
Rear to Side	45 feet
Side to Side	20 feet
Corner to Corner	15 feet

Yards abutting major thoroughfares in the RM-3 District shall have a minimum depth of fifty (50) feet. In an RM-3 District, the minimum distance between the front, side, and rear of any two (2) buildings shall be regulated according to the length and height of such buildings, and in no instance shall this distance be less than forty (40) feet. A minimum distance of thirty (30) feet shall apply to corner-to-corner building relationships. The formula regulating the required minimum distance between the front, side, and rear of any two (2) buildings in the RM-3 District shall be as follows:

$$\text{Where, } S = \frac{La + Lb + 2(Ha + Hb)}{6}$$



Minimum distance between buildings

$$= \frac{La + Lb + 2 (Ha + Hb)}{6}$$

Distance Spacing for Multiple Dwellings

- S Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.
- La Total length of building A. The total length of building A is the length of that portion or portions of a wall or walls of building A from which, viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.
- Lb Total length of building B. The total length of that portion or portions of a wall or walls of building B, from which, when viewed directly from above, lines drawn perpendicular to building B will intersect any wall of building A.
- Ha Height of building A. The height of building A at any given level is the height above natural grade level of any portion of a wall or walls along the length of building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.
- Hb Height of building B. The height of building B at any given level is the height above natural grade level of any portion of a wall or walls along the length of building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

In RM-3 Districts all exterior yards shall be at least equal to the height of the building; except that where a lot line abuts a street, one-half (1/2) the width of the right-of-way of said street may be considered as yard setback provided that the said yard shall not be less than fifty (50) feet in depth.

In all RM Districts the front and rear of the multiple family building shall be considered to be the faces along the longest dimension of said structure. The front of the multiple family building shall be considered to be the direction faced by the living rooms of the dwelling units in said building; the rear of the multiple family building shall be considered to be the direction faced by the service entrance of the dwelling units in said building; and the side of the multiple family building shall be considered to be the face along the narrowest dimension of said building.

In all RM Districts every lot on which a multiple structure is erected shall be provided with a side yard on each side of such lot. Each side yard shall be increased by one (1) foot for each ten (10) feet, or part thereof, by which length of the multiple structure exceeds forty (40) feet in overall dimensions along the adjoining lot line, provided further that in no instance shall a building in any RM District exceed one hundred eighty (180) feet in length along the longest face of the building, except as provided in Article VI, Section 601, Items 3, 4 and 5 and in Article X, Section 1000, Items 2, 3 and 4. In no instance shall buildings be attached or connected to each other, and in no instance shall the ground floor area exceed sixteen thousand two hundred (16,200) square feet, except that for convalescent homes, congregate care facilities, independent housing for the elderly and U.S. Department of Housing and Urban Development, Section 202 Housing Facilities, buildings may be attached and the ground floor area may exceed sixteen thousand two hundred (16,200) square feet. Any court shall have a width equal to not less than fifty (50) feet for the front yard and fifty (50) feet for the rear yard. The depth of any court shall not be greater than three (3) times the width.

In all RM Districts, service drives shall have a width of at least twenty-two (22) feet. Parking spaces and drives shall be located at least fifteen (15) feet from any residential building.

In all RM Districts, not more than ten (10) percent of the total number of units shall be of the efficiency type, and not more than thirty (30) percent of the total number of units shall be of the one-bedroom type. In no instance shall the maximum density in the RM-1 (Low Rise) District exceed nine (9) units per net acre, and in no instance shall the maximum density in the RM-2 (Low Rise) District exceed ten (10) units per net acre.

Gross density shall be considered to be the total parcel of property, including roads, whether public or private. Net density shall be considered to be the total gross area of the parcel minus bodies of water and exterior bounding roads. Wetland area(s) as defined in this ordinance shall only be used for fifty (50) percent of net density. In no instance shall the net density on any remaining acreage (after the fifty (50) percent credit for wetland area) exceed twelve (12) units per acre in the RM-1 District or fifteen (15) units per acre in the RM-2 District.

In all RM developments where fifty (50) or more units may be developed on a total parcel, or as part of a total complex, a main collector service drive with a width of at least twenty-four (24) feet back-of-curb to back-of-curb with a four (4) foot wide walkway along one (1) side (total width of five (5) feet (one (1) foot for the curb, and four (4) feet for the walkway) shall be provided and shall be built according to current City standards for multiple family collector thoroughfares. All such interior dedicated right-of-way or easements may be utilized for density computations.

i) Efficiency Apartment:

The term "Efficiency Apartment" shall mean a dwelling unit containing less than seven hundred and twenty (720) square feet of floor area, and consisting of not more than one (1) room in addition to kitchen, dining, and necessary sanitary facilities.

One Bedroom Unit:

The term "One-Bedroom Unit" shall mean a dwelling unit containing a floor area of at least seven hundred twenty (720) square feet per unit, consisting of not more than two (2) rooms in addition to kitchen, dining, and necessary sanitary facilities.

Two-Bedroom Unit:

The term "Two-Bedroom Unit" shall mean a dwelling unit containing a minimum floor area of at least eight hundred and ninety-six (896) square feet per unit, consisting of not more than three (3) rooms in addition to kitchen, dining, and necessary sanitary facilities.

Three or More Bedroom Unit:

The term "Three or More Bedroom Unit" shall mean a dwelling unit containing a minimum floor area of one thousand and fifty-four (1,054) square feet.

j) Minimum size of lot and minimum width in feet shall be determined by the use meeting all minimum yard requirements, and all other requirements of this Ordinance.

k) Buildings may exceed two (2) stories [thirty (30) feet] in the B-2 General Business District, except on sites which abut property zoned One-Family Residential district. Buildings in the B-2 District exceeding two (2) stories [thirty (30) feet] shall be considered to be Special Land Uses, and shall

meet the requirements of Section 1818. In addition, in the B-2 District, buildings over two (2) stories [thirty (30) feet] shall provide a minimum front, side and rear yard setback equal to height of the building. This yard setback increase shall not apply to towers as permitted in Section 902. For each one (1) story increase over two (2) stories [thirty (30) feet], three (3) feet of greenbelt shall be added to the greenbelt required by Section 1805.

(Amended: 7-09-01 per Ordinance No. 684)
(Amended: 11-11-02 per Ordinance No. 707)
(Amended: 3-20-06 per Ordinance No. 772)

- l) Parking may be permitted in the front yard after approval of the parking plan layout by the City Council after Planning Commission review and recommendation. All setbacks shall be measured from the nearest side of the right-of-way line. If parking, drives or maneuvering lanes are provided in the front yard, a landscaped buffer area shall be provided paralleling public and private roads in accordance with the requirements of Section 1808. A separate landscape plan shall be provided in accordance with the requirements of Section 1808. An eight (8) foot wide asphalt pathway shall be provided along the right-of-way line, one (1) foot within the right-of-way, whenever the right-of-way is indicated on the adopted City of Auburn Hills Pathway Plan. The pathway shall be built in compliance with the standards set forth in Ordinance No. 225.

(Amended: 11-11-02 per Ordinance No. 707)

- m) The following reduction in building setbacks and greenbelts may be permitted by the City Council, after Planning Commission review and recommendation, for parcels less than one (1) acre in size in the B-2, General Business District:

	Setback	Greenbelt
Front	15 ft. (in lieu of 25 ft.)	10 ft. (in lieu of 15 ft.)
Side	5 ft. (in lieu of 25 ft.)	5 ft. (in lieu of 8 ft.)
Rear	5 ft. (in lieu of 20 ft.)	5 ft. (in lieu of 8 ft.)

This provision shall not be applied to parcels which abut parcels zoned one-family residential district.

(Added: 4-02-07 per Ordinance No. 800)

- n) Reserved

(Amended: 3-20-06 per Ordinance No. 772)

- o) Screening shall be provided on those sides of the property used for open storage, parking or service drives, loading or unloading, abutting land zoned for residential use. (See Section 1808).

- p) Loading space shall be provided in the rear or side yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements, except in the instance of office uses where paved loading space in accordance with Section 1806 shall be provided in the ratio of five (5) square feet per front foot of building. Commercial and industrial loading and unloading areas shall be at least ten (10) by fifty (50) feet in dimension, or five hundred (500) square feet, and shall meet the requirements of Section 1806. Office buildings, banks, and credit unions which are 25,000 sq. ft. or less in size shall not be required to provide loading space.

(Amended: 3-20-06 per Ordinance No. 772)

Where a parcel of property is on a corner, the longest road frontage shall be considered for computing loading space area. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements maybe computed from the center of said alley. Where a parcel of property is considered to be multiple road frontage because said parcel lies between two or more road right-of-ways, the location of the loading space and trash dumpster shall be at the discretion of the City Council. The City Council in exercising its discretion as to the location of the loading space and trash dumpster shall take into consideration visibility to the general public, traffic circulation within the project site, and parcel configuration. The longest road frontage shall be considered for computing loading space area.

(Amended: 2-19-01 per Ordinance No. 672)

- q) The maximum percentage of lot coverage shall be determined by the use of the lot, and the provision of off-street parking, loading areas, landscaping, and required yards.

- r) Reserved

(Amended: 3-20-06 per Ordinance No. 772)

- s) The minimum percentage of lot area covered by open space and landscaping outside of the right-of-way shall be twenty-five percent (25%) in the B-1 Business Districts. In all other applicable Districts, the minimum percentage of open space and landscaping outside of the right-of-way shall be twenty percent (20%) (refer to Section 1808).
- t) The height requirements in the SP Special Purpose District may exceed three (3) stories provided the requirements of Section 1818 are met, and provided the minimum setback requirements are increased by one (1) foot for each one (1) foot in height of the building over three (3) stories.
- u) Reserved
(Amended: 3-20-06 per Ordinance No. 772)
- v) A building in a non-residential zoned district shall have a setback of at least a minimum of fifty (50) feet or twice the height of the building, whichever is greater, from property lines which abut a One-Family Residential District.
(Amended: 3-20-06 per Ordinance No. 772)
- w) The main building shall not exceed thirty (30%) percent of lot area coverage, and shall meet all other yard requirements; however, the maximum percentage of lot area coverage may be increased to forty percent (40%) to include decks and similar appurtenances, and a minimum rear yard of twenty-five (25) feet shall be maintained.
- x) Wetland/Watercourse Buffer Requirement: No disturbance shall be permitted to vegetation and no activity shall be permitted within twenty-five (25) feet of a regulated wetland or watercourse in all zoning districts, with the exception of walking trails approved by the City Council, after recommendation from the Planning Commission. Public infrastructure projects shall be exempt from this requirement (i.e., roads, utilities, drains, pathways, etc.). This provision is not intended to prohibit wetland crossings for infrastructure or wetland fill approved by either the City of Auburn Hills or Michigan Department of Environmental Quality.
(Added: 11-11-02 per Ordinance No. 707)
(Amended: 3-03-03 per Ordinance No. 716)
- y) Church and school buildings may exceed two (2) stories [twenty-five (25) feet] in the One-Family Residential District, but may not exceed fifty (50) feet in height. Such buildings shall be considered to be Special Land Uses, and shall meet the requirements of Section 1818. Buildings exceeding two (2) stories [twenty-five (25) feet] in height shall have a minimum front, side and rear yard setback equal to twice the height of the building and shall provide a minimum fifteen (15) foot landscaped greenbelt along the perimeter of the site in accordance with Section 1808.
(Added: 11-11-02 per Ordinance No. 707)
(Amended: 3-20-06 per Ordinance No. 772)
- z) Buildings in the I-2 and I-3 Districts may be allowed to exceed fifty (50) feet in height, up to a maximum of sixty-five (65) feet, upon Special Land Use approval in accordance with Section 1808.
(Added: 3-04-13 per Ordinance No. 13-854)

ARTICLE XVIII GENERAL PROVISIONS

SECTION 1800. CONFLICTING REGULATIONS:

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

SECTION 1801. SCOPE:

1. No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.
2. It shall be unlawful for any person or business to engage in any activity, conduct, use, or venture in the City that is contrary to federal, state, or local laws or ordinances, including violations of the City of Auburn Hills Zoning Ordinance or Code of Ordinances, and any statutes and codes adopted or utilized by the City.

(Amended: 10-04-10 per Ordinance No. 830)

SECTION 1802. NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES AND NONCONFORMING USES OF STRUCTURE AND PREMISES:

1. Intent

It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed.

It is recognized that there exist within the Districts established by this Ordinance structures and uses which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. Such structures and uses are declared by this Ordinance to be incompatible with permitted uses in the Districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same District.

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

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

Provided further, nothing in this Ordinance shall be deemed to require a change in any site plan approved under Ordinance No. 282 as amended, and any such site plan shall remain valid and in full force and effect for all purposes including the issuance of Building Permits and Certificates of Occupancy. Further, any interpretations and changes other than major changes shall be made under the prior Ordinance which was effective at the time of the approval of such site plan.

2. Nonconforming Lots

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

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and areas as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

3. Nonconforming Uses of Land

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- C. If such nonconforming use of land ceases operation with the intent of abandonment for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

4. Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its nonconformity.
- B. Should such structure be destroyed by any means to an extent of more than seventy-five (75) percent of replacement value at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the District in which it is located after it is moved.

5. Nonconforming Uses of Structures and Land

If a lawful use of a structure, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the District under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Ordinance in the District in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the District in which it is located.
- B. Any nonconforming use may be extended throughout any parts of a building which were manifested, arranged, or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

- C. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
 - D. If such nonconforming use of land ceases operation with the intent of abandonment for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the District in which such land is located.
 - E. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
6. Repairs and Maintenance
On any building devoted in whole or in part of any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the replacement value of the building, provided that the cubic content of the building as it was existing at the time of passage or amendment of this Ordinance shall not be increased. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a said condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.
7. Uses Allowed as Conditional Uses, not Nonconforming Uses
Any use for which a general exception or conditional approval is permitted as provided in this Ordinance shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such District.
8. Change of Tenancy or Ownership
There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses except in conformity with the provisions of this Ordinance.
9. Acquisition of Uses or Structures
The City Council may acquire by purchase, condemnation or otherwise, private property for the removal of nonconforming uses or structures all in accordance with the applicable provisions of Act 207, Public Acts of 1921, as amended.

SECTION 1803. ACCESSORY BUILDINGS:

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

1. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all yard regulations of this Ordinance, applicable to main buildings.
2. An attached building accessory to a residential building shall not be erected in any side or front yard unless such accessory building will permit the required minimum yard setbacks as established to be met. Unattached accessory buildings shall not be allowed in the front yard.
3. A building accessory to a residential building, not exceeding one (1) story or fourteen (14) feet in height, may occupy not more than twenty-five (25) percent of a required rear yard, plus twenty (20) percent of any non-required rear yard, provided that in no instance shall the accessory building exceed the ground floor area of the main building.
4. A detached building accessory to a residential building shall be located not closer than ten (10) feet to any main building nor shall it be located closer than five (5) feet to any side or rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall be no closer than one (1) foot to such rear lot line. In no instance shall any accessory structure be located within a dedicated easement or right-of-way.
5. No detached accessory building in an R-1, R-2, R-3, R-4, RM, SP, or MHP District shall exceed one (1) story or fourteen (14) feet in height. Accessory buildings in all other Districts may be constructed to equal the permitted maximum height of structures in said Districts subject to Planning Commission review and City Council approval.
6. When a building accessory to a residential building is located on a corner lot, the side lot line which is substantially a continuation of the front line of the lot to its rear, said building shall not

project beyond the front yard line required on the lot to the rear of such corner lot. An accessory building shall in no case be located nearer than ten (10) feet to a street right-of-way line.

SECTION 1804. OFF-STREET PARKING REQUIREMENTS:

There shall be provided in all Districts at the time of erection or enlargement of any main building or structure, automobile off-street parking with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a Certificate of Occupancy, as hereinafter prescribed:

1. Off-street parking may be located within any nonrequired yard and within the rear yard setback unless otherwise provided in this Ordinance.
2. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
(Amended: 3-03-03 per Ordinance No. 718)
(Amended: 1-24-05 per Ordinance No. 748)
3. Residential off-street parking spaces for single family and two-family dwellings shall consist of a parking strip, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. In addition, particularly in the case of cluster or multiple-family housing, parking areas shall be located within reasonable walking distance of the dwellings they are intended to serve.
4. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
5. Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.
6. If two (2) or more buildings or land uses are under common ownership or if said ownership is not common and the respective owners thereof have acquired recordable easements appurtenant for off-street parking, said buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the requirements for the several individual uses computed separately.
7. In the instance of a dual function of off-street parking spaces where operating hours of buildings do not overlap, the City Council may grant an exception.
8. The storage of merchandise, motor vehicles for sale, trucks, wrecked or junked vehicles, unlicensed vehicles, or the repair of vehicles in areas designated for parking is prohibited.
9. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which is similar in type.
10. When units of measurements determining the number of required parking spaces result in the requirement of fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
11. For the purposes of computing the number of parking spaces required for business uses, the definition of usable floor area shall govern unless otherwise provided by this Ordinance. If the business use is not known at the time of computation of required parking spaces, a minimum of eighty (80%) percent of the gross leasable area (GLA) shall be used for determining usable floor area (UFA). If the use is known, actual usable floor area shall be computed and utilized in the parking calculations.
12. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule. In addition, multiple use facilities shall be provided with calculations for each major use group separately. For example, hotels with banquet and conference facilities shall compute parking for these facilities separately from the employees and occupancy facilities. Industrial buildings with office facilities shall calculate parking for the office areas separately from those for the manufacturing areas. Other uses are:

USE

1. Residential
 - A. One family and two-family: Two (2) for each dwelling unit.
 - B. Multiple family (RM-1 and RM-2):

Efficiency Unit:	Two (2) for each dwelling unit.
One-Bedroom Unit:	Two (2) for each dwelling unit.
Two-Bedroom Unit:	Two (2) for each dwelling unit.
Three-Bedroom Unit:	Two (2) for each dwelling unit.

In addition to the above minimum parking requirements for one (1), two (2) and three (3) or more bedroom units, one-half (1/2) space per unit shall be provided for visitor parking. This shall be exclusive of community center, swimming pool, recreation facility, or community building parking. Parking facilities for recreation areas, community centers, swimming pools, or community buildings shall be provided separately on the basis of one (1) parking space for each five (5) dwelling units in the development, and such parking shall be in as close proximity to the use as is reasonably possible.

C. Multiple Family (RM-3):

Efficiency Unit:	Two (2) for each dwelling unit.
One-Bedroom Unit:	Two (2) for each dwelling unit.
Two-Bedroom Unit:	Two (2) for each dwelling unit.

This shall be exclusive of community center, swimming pool, recreation facility or community building parking. Parking facilities for recreation areas, community centers, swimming pools or community building shall be provided separately on the basis of one (1) parking space for each ten (10) dwelling units in the development, and such parking shall be in as close proximity to the use as is reasonably possible. In addition to the above minimum parking requirements for one (1), two (2) and three (3) or more bedroom units, one-half (1/2) space per unit shall be provided for visitor parking.

D. Housing for the Elderly: One (1) for each two (2) units, and one for each employee. Should units revert to general occupancy, then one and one-half (1 1/2) spaces per unit shall be provided.

E. Mobile Home Park: Refer to Article V, Section 510.

2. Institutional and Quasi-Public

- A. Churches, Temples or Fellowship Halls: One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship or assembly.
- B. Hospitals: One (1) for each one (1) bed.
- C. Convalescent Homes and Congregate Care Facilities: One (1) for each four (4) beds, plus one (1) for each employee.
- D. Elementary and Junior High Schools: One (1) for each one (1) teacher, employee or administrator in addition to the requirements of the auditorium.
- E. Senior High Schools: One (1) for each one (1) teacher, employee or administrator and one (1) for each ten (10) students in addition to the requirements of the auditorium.
- F. Private Clubs, Lodge Halls or Assembly Halls: One (1) for each three (3) persons allowed within the maximum occupancy load as established by City, County, or State fire, building or health codes.
- G. Private golf clubs, tennis clubs, or other similar uses:
One (1) for each two (2) member families or individuals. Where the membership is not known, a ratio of four (4) spaces for every one (1) stall or court shall be used.
- H. Golf Courses open to the general public except miniature or "par-3" courses:
Six (6) for each one (1) golf hole and one (1) for each one (1) employee.
- I. Fraternity or Sorority:
One (1) for each five (5) permitted active members, or one (1) for each two (2) beds, whichever is greater.
- J. Stadium, sports arenas, or similar places of indoor or outdoor assembly:
One (1) for each three (3) seats or six (6) feet of benches.
- K. Theaters and Auditoriums:
One (1) for each three (3) seats plus one (1) for each two (2) employees.
- L. Colleges, Universities and Industrially Related Teaching Facilities:

One (1) for each three (3) persons allowed within the maximum occupancy load as established by City, County, or State fire, building or health codes.

3. Business and Commercial

- A. Planned commercial shopping centers or retail clusters (with theaters) on parcels less than fifteen (15) net acres in site size:
One (1) space for each one hundred and fifty (150) square feet of usable floor area, plus one (1) for each five (5) seats in the theater.
All other planned commercial shopping centers or retail clusters:
One (1) space for each one hundred and fifty (150) square feet of usable floor area.
- B. Auto Wash:
One (1) for each one (1) employee. In addition, reservoir parking spaces equal in number to five (5) times the maximum capacity of the auto wash for automobiles awaiting entrance to the auto wash shall be provided. Maximum capacity of the auto wash for the purpose of determining the required reservoir parking shall mean the greatest number possible of automobiles undergoing some phase of washing at the same time which shall be determined by dividing the length in feet in each wash line by twenty (20).
- C. Beauty parlor or barber shop:
Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1 1/2) spaces for each additional chair.
- D. Bowling Alleys:
Five (5) for each one (1) bowling lane.
- E. Dance halls, pool or billiard parlors, roller or skating rinks, exhibition halls and assembly halls without fixed seats:
One (1) for each three (3) persons allowed within the maximum occupancy load as established by City, County, or State fire, building or health codes.
- F. Establishments for sale and consumption, on the premises, of beverage, food, or refreshments (without dancing):
One (1) for each fifty (50) square feet of usable floor area.
Establishments for sale and consumption on the premises of beverages, food or refreshments (with dancing):
One (1) for each fifty (50) square feet of usable floor area, plus one (1) for each six (6) persons allowed within the maximum occupancy load as established by City, County, or State fire, building or health codes.
- G. Furniture and appliance, household equipment repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair and other similar uses:
One (1) for each eight hundred (800) square feet of usable floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein).
- H. Automobile Service Stations:
Two (2) for each lubrication stall rack, or pit, and one (1) for each gasoline pump.
- I. Laundromats and coin operated dry cleaners:
One (1) for each two (2) machines.
- J. Miniature "par-3" golf courses:
Three (3) for each one (1) hole, plus one (1) for each one (1) employee.
- K. Mortuary establishments:
One (1) for each fifty (50) square feet of usable floor space in assembly rooms, parlors and slumber rooms.
- L. Motel, hotel or other commercial lodging establishments:
One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee.
- M. Motor vehicle sales and service establishments:
One (1) for each two hundred (200) square feet of usable floor space of sales room and one (1) for each auto service stall in the service room.

- N. Retail stores except as otherwise specified herein:
One (1) for each one hundred (100) square feet of usable floor space.
- 4. Offices
 - A. Banks:
One (1) for each one hundred (100) square feet of usable floor space.
 - B. Business office or professional office except as indicated in the following items:
One (1) for each two hundred (200) square feet of usable floor space.
 - C. Professional offices of doctors, dentists, or similar professions:
One (1) for each one hundred (100) square feet of usable floor area in waiting rooms and one (1) for each examining room, dental chair or similar use.
- 5. Industrial
 - A. Industrial establishments:
Five (5) plus one (1) divided by every one and one-half (1 1/2) employees in the largest working shift, or one (1) for every five hundred and fifty (550) square feet of usable floor space, whichever is determined to be the greater. Space on site shall be provided for all construction workers during periods of plant construction. All individual use areas, such as office space, shall be calculated based upon applicable standards.
 - B. Wholesale and Warehouse Establishments:
Five (5) plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of usable floor space, whichever is greater.
- 6. Research/computer - office
 - A. Research office (offices conducting laboratory and related research):
One (1) for each two hundred (200) square feet of floor space.
 - B. Computer office (offices conducting electronic data systems and similar operations necessitating a high volume of computer equipment and employment):
One (1) for each one hundred (100) square feet of usable floor space.
- 7. Handicapped Parking:
Handicapped parking shall be provided in accordance with the following schedule and in accordance with the 2003 Michigan Barrier Free Design Graphics Manual, as amended:

Total Parking Spaces in Lot(s)	Required Number of Readily Accessible Spaces
01 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total parking spaces
Over 1,000	20 plus 01 per 100 over 1,000 or fraction thereof

Van accessible parking shall be provided in accordance with the ADA (America Disabilities Act)

(Amended: 1-24-05 per Ordinance No. 748)

SECTION 1805. OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE:

Off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. No parking lot shall be constructed unless and until a permit therefor is issued by the Building Inspector. Applications for a permit shall be submitted in such form as may be determined by the Building Inspector, and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with. No Occupancy Permit shall be issued until the parking lot has been completed.
2. Off-Street Parking Space Layout. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Depth	Total Width of One Tier of Spaces+ Maneuvering Lane	Total Width of Two Tiers of Spaces + Maneuvering Lane
0 degree parallel parking	12'	9'	23'	23'	46'
30 to 53 degrees	12'	9'	20'	32'	52'
54 to 74 degrees	15'	9'	20'	36'6"	58'
75 to 90 degrees	24'	9'	18'	42'	60'

3. Spaces, Drives, Maneuvering Lanes, and Ingress/Egress
 - A. All parking spots shall be double striped with paint, and such striping shall be at least four (4) inches in width and two (2) feet apart.
 - B. Where garages are utilized for credit toward required parking space counts, the interior dimensions shall be at least ten (10) feet in width by twenty (20) feet in depth in order to qualify. Carports shall be at least nine (9) feet in width by eighteen (18) feet in depth.
 - C. Maneuvering lanes shall be provided in accordance with Section 1805, Item 2.
 - D. All two-way drives, other than between rows of parking, shall be a minimum of twenty-two (22) feet in width.
 - E. All one-way drives adjacent to buildings shall be a minimum of twenty (20) feet in width. All other one-way drives, other than between rows of parking spaces, may be a minimum of eighteen (18) feet in width provided they are not designated as Fire Lanes by the Fire Marshall. All Fire Lanes shall be a minimum of twenty (20) feet in width.
 - F. All spaces shall be provided adequate access by means of maneuvering lanes. Driving or backing a vehicle directly from a parking space onto public road or private road easement shall be expressly prohibited.
 - G. All maneuvering lane widths shall permit one-way traffic movement, except that the ninety (90) degree parking may permit two-way movement.
 - H. Dead end drive aisles shall provide a 3-foot indentation in the perimeter landscaping to facilitate the backing up of vehicles from the last parking stalls.
 - I. Drives and maneuvering lanes shall be specifically for the safe, through movement of vehicles and shall not be used for dual purposes such as parking, whether temporary or not, loading and unloading zones, or trash removal. Trash receptacle areas shall be located on the site so as to not interfere with safe vehicular and pedestrian traffic flow.
 - J. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single family residential use shall not be across land zoned for single family residential use.
 - K. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single family residential use shall be at least twenty-five (25) feet distance from any adjacent property located in any single family residential district.
 - L. On corner lots, ingress and egress to and from such lots shall be set back at least twenty-five (25) feet from the intersection of any two (2) right-of-way lines.
4. Parking Surface. The entire driving area, including parking spaces, maneuvering lanes, drives and drive approaches required under this Article and Section shall be provided with asphalt or

- concrete surfacing in accordance with specifications approved by the City Council. All curb and sections shall be of concrete construction (asphalt curbs are expressly prohibited).
- A. All driving areas, as mentioned above, shall be installed prior to the issuance of a Certificate of Occupancy. When winter weather conditions preclude the completion of the driving areas, or other site improvements such as, but not limited to, landscaping, striping, walls, and like items, a temporary Certificate of Occupancy may be issued if the following conditions are met:
 1. An itemized estimate of the cost of uncompleted improvements under seal of a Michigan Registered Architect or Engineer is submitted and approved by the Community Development Department.
 2. A cash bond or irrevocable letter of credit, from a financial institution approved by the City, is submitted in an amount equal to one hundred (100) percent of the estimated cost of completion of the driving areas, landscaping and other such requirements.
 3. The driving areas, as mentioned above, shall be surfaced with a durable and dustless surface capable of supporting large, heavy emergency vehicles and also meeting the specific needs of the proposed occupancy. All work covered under this Section, when not completed due to winter weather, shall be completed no later than May 15th of the same calendar year. This date may be extended up to thirty (30) days by the Community Development Department if unusual spring weather conditions preclude timely completion.
 - B. Permeable Pavement Option: The City Council, after recommendation from the Planning Commission, may allow permeable pavement systems or other similar systems which allow the natural filtration of storm water through the parking lot surface. Such systems shall require City Engineering Consultant and Fire Department approval.
5. Landscaping. Landscaping and screening surrounding and within parking lot areas shall be provided in accordance with Section 1808. Landscaping and Screening Requirements.
- A. Where any parking lot abuts land utilized for other than planned parking purposes, and where the design and layout of the parking lot allows vehicles to abut the adjacent property line in a front or rear relationship, a raised curb eight (8) feet from the property line, together with a seven (7) foot wide greenbelt, shall be provided. In addition, any drives and/or maneuvering lanes abutting adjacent property lines shall provide a raised curb eight (8) feet from the property line, together with a seven (7) foot wide greenbelt.
 - B. The City Council, upon application by the property owner of the off-street parking area, may modify the yard where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this Section.
6. Lighting. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only. Lighting shall meet the requirements of Section 1810. Exterior Lighting.
7. Sidewalks. Sidewalks abutting buildings and/or parking spaces shall be a minimum seven (7) feet wide. Where parking spaces are located on both sides of a sidewalk, the sidewalk shall be a minimum nine (9) feet wide.
8. Valet or Bus Parking – Special Land Use Permit. When any quasi-public, industrial or business establishment proposes valet or bus parking such use shall be considered as a Special Land Use under the purview of Section 1818.
9. Landbank Parking – Special Land Use Permit. Landbank parking may be permitted under the purview of Section 1818, Special Land Uses Permitted subject to the following provisions:
- A. Any applicant that requests landbank parking shall clearly demonstrate that the use of the property will not be expanded beyond that depicted on a site plan or schematic site plan as required by Section 1818.
 - B. It shall be the applicant's responsibility to demonstrate that the required number of parking spaces is not necessary to meet the purpose and intent of Zoning Ordinance No. 372. Findings of fact shall be presented to justify the number of landbank spaces. Upon periodic review of the use of the property by the Community Development Department, if it is determined that existing parking is not sufficient, the Planning Commission and City Council shall determine whether or not landbank parking may continue.

10. Parking Structure - Special Land Use Permit. Parking decks and/or structures may be permitted to satisfy off-street parking regulations under the purview of Section 1818, Special Land Uses Permitted subject to the following provisions:
- A. The structure shall have a minimum setback from the common lot line a distance equal to the height of the structure, except in the VC, Village Center District.
 - B. All sides of the structure shall have a finished appearance and shall comply with the City's Architectural Design Policy.
 - C. Lighting fixtures and equipment for a parking deck or structure shall be designed so as not to cause glare or otherwise illuminate adjoining properties.
 - D. The layout of parking (e.g., space size, maneuvering lane width, handicapped space allocation, etc.) shall meet the requirements of this Section.

(Amended: 1-24-05 per Ordinance No. 748)

SECTION 1806. OFF-STREET LOADING AND UNLOADING:

On the same premises with every building, structure or part thereof, involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading in the rear or side yard in order to avoid undue interference with public use of dedicated rights-of-way. Such loading and unloading area shall be on the outside of the building, and maneuvering lanes and parking spaces may not be used as loading and unloading areas. Such loading and unloading area shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the City Council.

SECTION 1807. PERFORMANCE STANDARDS:

No use otherwise allowed shall be permitted within any District which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said area:

1. Smoke

It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever to a density greater than that density described as No. 1 of the Ringlemann Chart; provided that the following exceptions shall be permitted: smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringlemann Chart for a period, or periods aggregating four (4) minutes in any thirty (30) minutes.

Method of Measurement

For the purpose of grading the density of smoke, the Ringlemann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this Ordinance, shall be the standard. However, the Umbrascope readings of smoke densities may be used when correlated with Ringlemann's Chart.

2. Dust, Dirt and Fly Ash

No person, firm or corporation shall operate or cause to be operated, maintained or caused to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using said process or furnace or combustion device recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gasborne or airborne solids or fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gasborne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of five hundred (500) degrees Fahrenheit.

Method of Measurement

For the purpose of determining the adequacy of such devices, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty (50) percent at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The Building Inspector may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt, and fly ash have been made.

3. Open Storage

The open storage of any industrial or commercial equipment, industrial or commercial vehicles and all industrial or commercial materials including wastes, shall be screened from public view, from a public street and from adjoining properties by an enclosure consisting of an obscuring wall or obscuring fence no less than the height of the equipment, vehicles and all materials to be stored. Whenever such open storage is adjacent to a residential zone or mobile home park in either a front, side or rear lot line relationship, whether immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring wall or obscuring fence of at least six (6) feet in height, or the height of the equipment, vehicles and all materials, whichever is higher. Such masonry wall or wood fence shall be repaired, maintained and kept in good condition by the owners, and where necessary, if the wall or fence is not properly maintained, money shall be put in escrow for repair and maintenance so as to not allow disrepair to continue. Where the screening required is in excess of six (6) feet or where unique circumstances exist such as extreme topography, a landscaped greenbelt may be provided after review of the landscape plan by the Planning Commission and approval of the City Council. Said landscaped area shall be maintained in a neat, healthy condition.
4. Glare and Radioactive Materials
 - A. Glare from any process (such as similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, including electromagnetic radiation such as x-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.
 - B. Glare from automobile headlights or commercial or industrial vehicle headlights shall not be directed into any adjacent residential area so as to become a nuisance.
5. Fire and Explosive Hazards

The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 of 1941, as amended.
6. Noise
 - A. The emission of measurable noises from the premises shall not exceed sixty-five (65) decibels as measured at the boundary of property lines except that, where normal street traffic noises exceed sixty-five (65) decibels during such periods, the measurable noise emanating from the premises may equal, but shall not exceed, such traffic noises. Within the I-1, I-2, and I-3 Districts, sound levels not exceeding seventy-five (75) decibels may be permitted.
 - B. In addition, objectionable sounds of an intermittent nature, or sounds characterized by high frequencies, even if falling below the aforementioned decibel readings, shall be so controlled as not to become a nuisance to adjacent uses. This shall particularly apply to loading and unloading areas in commercial or industrial districts adjacent to residential districts.
7. Odors

Creation of offensive odors shall be prohibited.
8. Wastes

Refer to Ordinance No. 153, as amended.
9. Waste and Rubbish Dumping

Refer to Ordinance No. 196, as amended.
10. Vibration

Machines or operations which cause vibration may be permitted in the I-1 Light Industrial Districts and I-2 General Industrial Districts provided that any such machinery shall be so mounted and operated as to prevent the transmission of ground vibration exceeding a displacement of three thousandths (0.003) of one (1) inch measured anywhere at the property line of such I-1 and I-2 Districts, and such machinery shall be so mounted and operated that no vibrations shall be perceptible without the aid of instruments at the property line of any abutting R, MHP, RM, O, B-1, SP or T&R District (Refer to Ordinance No. 196, as amended).

SECTION 1808. LANDSCAPING AND SCREENING REQUIREMENTS:

Whenever in this Ordinance a Site Plan is required pursuant to Section 1815, a separate Landscape Plan shall be submitted and shall include and depict all information required in the following items:

1. Screening Required for Uses Abutting R-1A through R-4, One-Family Residential Zoning Districts:
 - A. Buffer Area and Screening

All uses (except residential developments permitted within the R-1A through R-4, One-Family Residential zoning district) shall provide and maintain on those sides abutting a R-1A through R-4, One-Family Residential zoning district a minimum fifteen (15) foot wide buffer area:

 1. To provide adequate screening, the buffer area shall contain one tree (a mixture of deciduous or evergreen) for every twenty (20) linear feet of buffer zone length, rounded upward. Clustering or massing of these trees within the minimum spaces required for growth is encouraged.
 2. The buffer strip shall also contain a five (5) foot high continuous obscuring screen consisting of a masonry wall, fence, plant material, berm, or any combination of these elements.
 3. If a berm is used for all or part of the buffer zone, all required plant material shall be placed on top and side slope facing the exterior of the site. Berms shall be constructed with slopes no greater than one (1) foot vertical for each three (3) feet horizontal with at least a two (2) foot flat on the top, and with adequate protection to prevent erosion unless alternative designs are approved. Berms shall be constructed in such a manner so not to alter drainage patterns on adjacent properties, or obstruct vision for safety of ingress or egress.
 4. Trees required within buffer areas shall be provided in addition to the landscaping required within this Section.
 - B. Modification of Buffer Area and Screening

Because of the wide variety of land uses and the relationships between them and because of many different circumstances, the City Council, after recommendation from the Planning Commission, may reduce or waive the buffer area size and screening requirements after a detailed review and evaluation. Whenever the City Council modifies this requirement, it shall find that the following standards have been met:

 1. The alternative design shall protect the character of existing and future residential development within the R-1A through R-4, One-Family Residential zoning district abutting the site from negative impacts such as noise, glare, light, air pollution, trash and debris, and hazardous activities.
 2. The City Council shall determine the screening within and width of the buffer area needed to ensure compatibility with the abutting R-1A through R-4, One-Family Residential zoning district based upon one or more of the following criteria:
 - A. The development is compatible with and sensitive to the immediate environment of the site and neighborhood relative to architectural design, scale, bulk, building height, disposition and orientation of buildings on the lot.
 - B. The site has natural existing vegetation and or/topography, natural bodies of water or wetland areas, or other existing conditions which offer screening consistent with the standards set forth in this Subsection.
 - C. The arrangement, design, and orientation of buildings on the site lends itself so as to maximize the opportunity for privacy and isolation from negative impacts of the project.
2. Site Area Landscaping Requirements
 - A. Site Area Landscaping Percentage

At least twenty-five (25%) percent of the net area of the site (exclusive of right-of-way) shall be landscaped in the B-1 District. In all other applicable districts at least twenty (20%) percent of the net area of the site shall be landscaped. Subaqueous areas and retention/detention ponds shall be totally excluded from this landscaping percentage

- requirement, except that wetlands, as designated on officially adopted City wetland maps, may be computed as fifty (50%) percent credit toward landscaping calculations.
- B. Modification of Site Area Landscaping Percentage
The percentage of area in landscaping as required above may be reduced up to five (5%) percent if it can be demonstrated that a "High Quality" landscape plan is proposed. "High Quality" shall be determined by the City Council after review and recommendation by the Planning Commission. The City Council shall consider landscaping around buildings, landscaping around site entrances, landscaping in and around areas generally considered as lawn, blending and compatibility with existing natural site elements and special elements such as decorative ponds, fountains, walls, etc. The intent of "High Quality" is not to promote overplanting or high density at maturity. The petitioner shall provide a written statement on the landscape plan regarding how the landscape design meets the intent of this modification. A "High Quality" landscape plan would include, but not be limited to, deciduous and coniferous trees, shrubs, ground covers, mounds, berms, screens, annual and perennial flower beds, night time landscaping lighting, rock gardens, cobblestone accents, ponds, etc.
- C. Site Area Tree Planting
A mixture of evergreen and deciduous trees shall be planted at a rate of one (1) tree for each one thousand (1,000) square feet of required landscape area, rounded upward, for nonresidential and multiple-family developments. Three (3) trees shall be planted per lot/unit for one-family and two-family residential subdivisions/site condominiums.
3. Frontage Landscaping and Greenbelt Requirements
- A. Frontage Tree Planting
Street landscaping shall be required for residential or nonresidential developments along the public or private right-of-way line of any street, road or highway (on the site). At least one (1) evergreen or deciduous tree shall be planted for each thirty (30) linear feet of required greenbelt length, rounded upward.
- B. Public or Private Road Frontage Greenbelt
A minimum fifteen (15) foot landscaped greenbelt area shall be provided along any public or private road (on the site), with the exception that a minimum twenty-five (25) foot landscaped greenbelt area shall be required in the T&R Districts.
- C. Private Access Drive Frontage Landscaping and Greenbelt
Frontage landscaping shall be required along private access drives which are intended to service more than one business, but not designed as a private road. At least one (1) evergreen or deciduous tree shall be planted for each thirty (30) linear feet of required greenbelt length, rounded upward, along a minimum ten (10) foot wide landscape greenbelt area.
4. Parking Interior Landscape Area Requirements
- A. Each separate interior landscaped area shall be adequately planted and maintained, and shall be located in such a manner as to divide and break up the expanse of paving, define parking areas, delineate vehicular circulation areas and separate them from parking areas of any off-street parking area containing more than six (6) parking spaces.
- B. The minimum landscape area permitted shall be one hundred (100) square feet. The minimum size in any one direction shall be eight (8) feet.
- C. Landscaping material, excepting trees, shall be maintained not to exceed three (3) feet in height.
- D. For every twenty (20) spaces in a row which do not immediately adjoin a landscaped screen greenbelt or buffer zone, a minimum of one (1) deciduous shade tree, with a minimum landscaped area of one hundred (100) square feet each, shall be provided.
- E. There shall be a maximum distance of one hundred and eighty (180) feet between any tree or tree group, and another tree or tree group, within the parking site.
5. Plant Material and Landscape Element Standards
- A. Non-living materials. No plant materials used to satisfy the planting requirements of this Ordinance shall be comprised of non-living materials, such as petrochemical plants. No polyethylene film shall be used under non-living, decorative landscape materials such as stone, woodchips and gravel in a manner which will cause erosion of the decorative

- materials. Such nonliving materials shall not exceed twenty (20) percent of the minimum landscape area requirements (refer to Item 2).
- B. Landscape Tree. A landscape tree shall be a canopy tree (deciduous or evergreen) or understory tree, with a straight trunk, northern grown, hardy to Zone 5, and State Department of Agriculture Nursery Grade No. 1 or better. Trees shall also be tolerant of site soil conditions, known insects, and diseases.
1. Canopy trees shall be a minimum of two and one and half (2½") inch caliper for deciduous trees and eight (8') foot height for evergreen trees, unless otherwise stipulated in the Recommended Tree List as adopted by the City Council.
 2. Understory trees shall be a minimum of two (2") inch caliper for single stem trees or a minimum of eight (8') foot height for multiple stem trees.
- C. Tree Diversity. To provide for a thorough mix of trees indigenous to this area, and to avoid problems encountered in the past with monoculture, disease, and insects (for example, Dutch Elm disease / American Elm and Emerald Ash Borer / Ash Tree) the maximum percentage of tree species and genus permitted for landscape trees are governed to the following sliding scale:
1. 1-10 Landscape Trees – No Diversity Required
 2. 11-50 Landscape Trees - 25% species / 50% genus
 3. 51-100 Landscape Trees – 20% species / 40% genus
 4. 101+ Landscape Trees – 10% species / 20% genus
- D. Prohibited Trees: In order to promote native plant species diversity, reduce susceptibility to storm damage, and to prevent the loss of habitat due to the spread of naturalized non-native plant species, the following species will be prohibited in planting plans:
- | | |
|--------------------------|--|
| (Acer negundo) | Boxelder |
| (Acer saccharinum) | Silver Maple |
| (Ailanthus altissima) | Tree of Heaven |
| (Betula pendula) | European White Birch |
| (Catalpa speciosa) | Catalpa |
| (Elaeagnus angustifolia) | Russian-olive |
| (Elaeagnus umbellata) | Autumn-olive |
| (Fraxinus spp.) | Ash |
| (Ginkgo biloba) | Ginkgo (female only) |
| (Gleditsia triacanthos) | Common Honeylocust
(Thornless Cultivars acceptable) |
| (Maclura pomifera) | Osage-orange |
| (Morus alba) | White Mulberry |
| (Populus species) | Poplars |
| (Robinia pseudoacacia) | Black Locust |
| (Rhamnus carthartica) | Common Buckthorn |
| (Rhamnus frangula) | Glossy Buckthorn |
| (Salix species) | Willows |
| (Ulmus pumila) | Siberian Elm |
- E. Shrubs and Hedges. Shrubs shall be a minimum of two (2) feet in height when measured immediately after planting, or two (2) feet in spread if plants are low growing evergreens. Hedges, where provided, shall be planted and maintained so as to form a continuous, unbroken visual screen within a maximum of two (2) years after the time of planting.
- F. Vines. Vines shall be a minimum of thirty (30) inches in length after one (1) growing season, and may be used in conjunction with fences, screens, or walls to meet physical buffer requirements so specified.
- G. Ground Cover. Ground cover used in lieu of grass in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season with at least three (3) plants per square foot.
- H. Lawn Grass. Grass areas shall be planted in species normally grown as permanent lawns in Oakland County. Grass may be plugged, sprigged, seeded or sodded except that rolled sod, erosion reducing net or suitable mulch, shall be used in swales or other

areas subject to erosion. Grass, sod, and seed shall be clean and free of weeds and noxious pests or diseases.

- I. Screens - Opacity. Where required to screen conflicting uses, open storage, trash receptacles, parking and vehicular use areas, and other uses as recommended by the Planning Commission and approved by the City Council, a minimum opacity shall be maintained at sixty (60) percent winter opacity, and eighty (80) percent summer opacity, within two (2) years after installation when viewed from between two (2) and ten (10) feet above ground.
 - J. Underground Irrigation System. Landscaped areas within nonresidential development sites shall be irrigated with an underground system. Residential subdivisions and condominium developments shall irrigate all landscaped common areas with an underground system. A note shall be placed on the landscape plan indicating this requirement.
7. Wall or Fence Location
Required walls or fences shall be located on the lot line, except where underground utilities interfere, and except in instances where this Ordinance requires conformance with front yard setback lines in abutting Residential Districts. Required walls or fences may be located on the opposite side of an alley right-of-way from one nonresidential district that abuts a residential district when mutually agreeable to affected property owners.
 8. Wall Material and Foundation
Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except such openings as may be approved by the Chief of Police, Fire Chief, or the Community Development Department as being necessary to provide the site with adequate police or fire protection. All walls herein required shall be constructed of masonry materials approved by the Community Development Department. Walls shall be erected on a concrete foundation which shall have a minimum depth of forty-two (42) inches below a grade approved by the Community Development Department, and shall be not less than four (4) inches wider than the wall to be erected.
 8. Maintenance Provisions
All landscaping shall be maintained in a healthy and orderly state free from refuse, weeds, and debris. Any dead or diseased plants shall be removed and replaced.
 9. As-Installed Landscape Plan. An accurate final plan showing the location of required tree plantings and date(s) of installation is required prior to the issuance of a final certificate of occupancy.
 10. Coordination with City of Auburn Hills Woodlands Preservation Ordinance
Replacement trees required by the City's Woodlands Preservation Ordinance may be used as landscape trees required by this Section.

(Amended: 2-04-02 per Ordinance No. 690)

(Amended: 11-14-05 per Ordinance No. 763)

SECTION 1809A. RESIDENTIAL AMATEUR RADIO ANTENNA STRUCTURES AND RESIDENTIAL SATELLITE DISHES:

1. Residential Amateur Radio Antennas:
 - A. Application and Permit
It shall be unlawful for any person to install, construct or increase the height of any antenna support structure without first obtaining a Building Permit, except that no Building Permit shall be required if the height of the antenna support structure (excluding the height of any building to which the antenna support structure is attached) is less than thirty-five (35) feet.
Application for a Building Permit required in Section 2003 shall be made upon such forms provided by the Department of Building Services and shall have attached thereto the following items:
 - 1) A location plan for the antenna support structure.
 - 2) Specifications for the antenna support structure and details of footings, guys and braces.
 - 3) A copy of the applicant's homeowners or renters insurance policy.

- B. Height Limits
No antenna support structure shall be installed, constructed, or increased to exceed sixty (60) feet above grade in residential districts.
- C. Construction Requirements
- 1) Materials. Antenna support structures must be constructed from one (1) of the following materials: aluminum, galvanized steel, or equally weather resistant steel. All ground mounted antenna support structures exceeding thirty-five (35) feet in height shall be mounted in concrete, and erected in such a manner so as to withstand a minimum wind velocity of seventy-five (75) miles per hour (impact pressure of twenty-two and one-half (22 1/2) pounds per square foot).
 - 2) The thickness of steel used in antenna support structures shall not be less than one-eighth (1/8) inch when galvanized. If not galvanized, steel shall not be less than one-fourth (1/4) inch in thickness when used structurally. Where antenna support structures are constructed of aluminum tubing, the minimum wall thickness of the tubing shall not be less than one-sixteenth (1/16) inch and such tubing, if steel, shall be galvanized on the exterior.
 - 3) Electrical requirements. All antenna support structures, whether ground or roof mounted, shall be grounded. Grounding shall be in accordance with the provisions of the National Electrical Code Section 810-58, and for ground mounted antennas shall consist of a minimum of one (1) ground rod a minimum of five-eighths (5/8) inch in diameter and eight (8) feet in length. The ground conductor shall be a minimum of Number Ten (#10) gauge copper; however, in all instances, construction shall follow the manufacturer's requirement for grounding.
- D. Restrictions
- 1) No antenna shall protrude in any manner upon the adjoining property without the written permission of the adjoining property owner; and no antenna shall protrude upon the public way.
 - 2) Ground mounted antenna support structures may be erected only in a side or rear yard.
- E. Exceptions
This Ordinance shall not affect any existing antenna support structure, utilized by Federally licensed amateur radio stations, which has been constructed and which is in place prior to the date of passage of this amendment (January 8, 1990); provided, however, that such antenna support structure must comply with the grounding requirements of Item C.3 above.
2. Residential Ground-Mounted Satellite Dishes (except for those 39.37 inches [1 meter] or less in diameter).
- A. No earth station shall be constructed in any front or side yard, but shall be constructed to the rear of the residence or main structure.
 - B. No earth station, including its concrete base slab or other substructure, shall be constructed less than ten (10) feet from any property line or easement.
 - C. No earth station shall be linked, physically or electronically, to a receiver which is not located on the same lot, premises or parcel of land as is the earth station.
 - D. An earth station shall not exceed a grade height of twelve (12) feet.
 - E. Such earth station shall be designed to withstand a wind force of seventy-five (75) miles per hour without the use of supporting guy wires.
 - F. An earth station must be bonded to a grounding rod.
3. Residential Building-Mounted Satellite Dishes (except for those 39.37 inches [1 meter] or less in diameter).
- A. Satellite dishes shall be mounted directly upon the principal structure.
 - B. An earth station shall not exceed a height of more than three (3) feet above the roof upon which it is mounted.
 - C. An earth station "dish" shall not exceed three (3) feet in diameter.
 - D. An earth station shall be designed to withstand a wind force of eight-five (85) miles per hour without the use of supporting guy wires.

- E. An earth station must be bonded to a grounding rod.

SECTION 1809B. COMMERCIAL SATELLITE DISHES:

All commercial satellite dishes in any non-residential district shall be considered to be Special Land Uses and shall be approved by the City Council, after Public Hearing, under the provisions of Section 1818, Special Land Uses Permitted, and such uses shall be subject further to the following requirements:

1. Ground-Mounted Satellite Dishes (Earth Stations) (except those 78.74 inches [2 meters] or less in diameter) :
 - A. No earth station shall be constructed in any front yard, but shall be constructed to the rear or side of the main structure unless it can be demonstrated that the front yard is the only possible location capable of receiving signals, or unless it can be demonstrated that the dish can be totally screened from view from ground level; provided however, that the cost of installation of screening is not disproportionate to the cost of the satellite dish.
 - B. No earth station, including its concrete base slab or other substructure, shall be constructed less than ten (10) feet from any property line or any other easement.
 - C. An earth station shall not exceed a grade height of twenty-five (25) feet.
 - D. An earth station "dish" shall not exceed thirty (30) feet (9.1 meters) in diameter.
 - E. Such earth station shall be designed to withstand a wind force of seventy-five (75) miles per hour without the use of supporting guy wires.
 - F. An earth station must be bonded to a grounding rod.
 - G. Such use shall be screened with berming, landscaping, a masonry wall or wooden fence approved by the City Council, provided however, that the cost of screening is not disproportionate to the cost of the satellite dish; or unless it can be demonstrated that the screening will prohibit the possible location from receiving signals.
2. Roof-Mounted Satellite Dishes (Earth Stations) (except those 78.74 inches [2 meters] or less in diameter):
 - A. Earth stations shall be mounted directly upon the roof of a principal structure or accessory structure.
 - B. An earth station shall not exceed a height of more than fifteen (15) feet above the roof upon which it is mounted.
 - C. An earth station "dish" shall not exceed thirty (30) feet (9.1 meters) in diameter, and shall be properly screened.
 - D. An earth station shall be designed to withstand a wind force of eighty-five (85) miles per hour without the use of supporting guy wires.
 - E. An earth station must be bonded to a grounding rod.
 - F. Such use shall be screened with material architecturally compatible with the main building, provided, however, that the cost of screening is not disproportionate to the cost of the satellite dish or unless it can be demonstrated that the screening will prohibit the possible location from receiving signals.

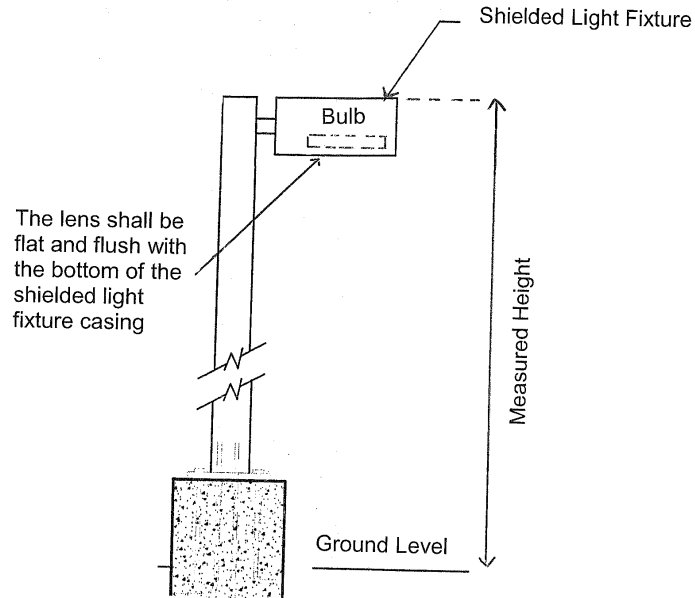
SECTION 1810. EXTERIOR LIGHTING:

The purpose of this section is to protect the health, safety and welfare of the public by recognizing the need for buildings and sites to be illuminated for safety, security and visibility for pedestrians and motorists balanced against the often detrimental affects associated with the use of outdoor lighting. The standards in this section are intended to reduce light pollution and light trespass from light sources onto adjacent properties; enhance customer and employee safety; contribute to improving visibility by requiring illuminated areas to have uniform light; and curtail the degradation of the nighttime visual environment.

Standards. When a site plan or plat approval is required, the following conditions shall apply for exterior lighting:

1. All exterior lighting for non-residential developments shall be directed away from and shall be shielded from adjacent residential districts and shall also be so arranged as to not adversely affect driver visibility on adjacent thoroughfares.
2. Building entryway and parking lot lighting shall be designed to provide the minimum illumination necessary to ensure adequate vision and comfort:

- (a) Full cut-off fixtures shall be used to prevent glare and direct illumination away from adjacent properties and streets. The lens shall be flush with the casing so that light is directed down and not sideways. Designs that result in even levels of illumination across a parking area are preferred.
- (b) Light fixtures shall not exceed the height of the zoning district or the height of the principal building on the site on which the lighting is located, whichever is lower. Fixture height shall be measured from the grade to the top of the fixture.



Light Pole Detail

- 3. Electrical service to light fixtures shall be placed underground.
- 4. Flashing light shall not be permitted.
- 5. The use of true color rendering lamps such as metal halide and fluorescent lamps is preferred over high and low pressure sodium lamps or mercury vapor lamps.
- 6. Only necessary lighting for security purposes and limited operations shall be permitted after a site's hours of operation.
- 7. Excessive lighting for the purposes of attraction and advertising shall not be permitted. In addition, the following requirements shall apply to gasoline service stations and other similar uses:
 - (a) Light fixtures mounted on canopies shall be recessed or flush with the bottom of the canopy. Where a drop-down fixture is used, the lens shall be flush with the casing so that light is directed down and not sideways. Fixtures shall not be mounted on the top or sides of canopies.
 - (b) The illumination of canopy sides is prohibited.

(Amended: 11-11-02 per Ordinance No. 708)

SECTION 1811. SIGNS:

1. Findings and Purpose

It is hereby determined that a proliferation of signs in the City of Auburn Hills 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 a proliferation of signs, which restricts light and air. It is further determined that a proliferation of signs negatively affects property values and also results in an inappropriate use of land.

The purpose of this Section is to control the occurrence and size of signs in order to reduce the aforementioned negative effects. It is also determined that the signs of least value to people within the City are those which carry commercial messages other than the advertisement of any product, service, event, person, institution or business located on the premise where the sign is located or indicates the sale or rental of such premise. It is also determined that the regulations contained in this Section and/or other applicable Sections are the minimum amount of regulation necessary to implement the purpose and intent of this Zoning Ordinance. It is also further determined that restrictions in this Section and/or other applicable Sections on the size of signs, their height and placement on real estate, are the minimum amount necessary to achieve its purpose.

2. Definitions.

The following definitions shall apply in the interpretation of this Section.

- A. Accessory Sign (on-premise) means a sign which directs attention to any of the activities listed under the definition or sign when such activities are on the same premises as the sign. All other signs are non-accessory (off-premise) signs.
- B. Area of Sign means the entire area within a circle, triangle, parallelogram or any other shape which encloses the extreme limits of writing, representation, emblem, logo or any other figure or similar character, together with any frame or other material or color forming an integral part of the display, or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
- Where the sign has two (2) or more faces, the area of all faces shall be included in computing the area of the sign, except:
1. If two (2) such faces are placed back-to-back (when on the same common vertical support or framework), the area of the sign shall be computed as the area of one (1) face. However, if such faces are of an unequal area, the larger of the two (2) faces shall determine the area.
 2. Where a sign consists solely of writing, representation, emblems, logos, or any other figure of similar character which is painted or mounted on the wall of a building or a self-supporting wall or fence, without a distinguishing border, the area of such sign shall be computed as if it were framed by a border consisting of horizontal and vertical lines extending not more than six (6) inches from such sign elements.
- C. Banner Sign means a sign made of fabric or any non-rigid material with no enclosing framework.
- D. Changeable Copy Sign means one of the following:
1. Manual. A sign on which a copy is changed manually, such as readerboards with changeable letters or pictorials; or
 2. Automatic. An electrically controlled sign, where different copy changes are shown on the same unexposed lamp bank or rotating portion of the face of the sign, used for public service information or as a message center or readerboard.
- E. Cold/Hot Air or Helium Inflatable Balloon means a temporary sign composed of a non-porous bag of tough, light material filled with unheated or heated air or helium, which may or may not float in the atmosphere.
- F. Construction Sign means a sign identifying the names of the project developers, contractors, engineers, architects and financial institutions, which is located on a site being developed or improved.
- H. Directional Sign means any sign which solely serves to designate the location or direction of any place or area located on the premise on which the sign is located.
- I. Festoon Sign means a sign consisting of strings of exposed incandescent light bulbs, balloons, tinsel, pinwheels, or strings of pennants hung overhead to draw attention to items on display or a particular business establishment.
- J. Flashing Sign means a sign which contains an intermittent or flashing, scintillating, blinking, rotating or traveling light source which includes signs that give the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.

- K. Freestanding Sign means a sign erected on a freestanding frame, mast, pole or pylon and not attached to a building.
- L. Frontage means the length of the property line or any one (1) premise along a public right-of-way or private road easement on which it borders.
- M. Government Sign means 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, or public service, property, or facility.
- N. Height of A Sign means the vertical distance measured from the average surrounding grade to the highest point of a sign.
- O. Identification Sign means a sign whose copy is limited to the name and address of the occupant.
- P. Illegal Sign means a sign which does not meet the requirements of the City, County, State or Federal Government and which has not received legal nonconforming status.
- Q. Illuminated Sign means a sign that provides artificial light directly on or through any transparent or translucent material from a source of light connected with such sign, or a sign illuminated by a light with a source so obscured and shielded that no direct rays from it are visible from a public right-of-way or from an abutting property.
- R. Incidental Sign means a small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business.
- S. Large Format Temporary Wall Mural means a temporary sign attached directly to a building façade which is architecturally compatible with the existing building. Large format temporary wall murals may be adhesive backed, or nonadhesive backed, provided they project no more than 18 inches from the face of the building. Large format temporary wall murals shall not be considered “Billboards” as defined in this ordinance.
- T. Monument sign means a freestanding sign attached to a permanent foundation or decorative base located on the ground either horizontally or on a plane parallel to the horizon which supports the sign and not attached to or dependent on freestanding vertical support from any building, pole, or similar uprights with no exposed poles or posts for support.
- U. Mural means a design or representation painted or drawn on the exterior surface of a structure which does not advertise a business, product, service or activity. A mural that does not function as a sign is not regulated by the Zoning Ordinance.
- V. Nonconforming Sign means a sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations, or is a sign which does not conform to the sign code requirements.
- W. Outline Tubing Sign means a sign consisting of exposed glass tubing filled with neon or other material, which glows when electric current is passed through it.
- X. Owner means a person recorded as such on official records. The owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Community Development Department, e.g., a lease from a sign company.
- Y. Pole Sign means a freestanding sign permanently affixed to the ground by means of poles, columns, uprights, or braces.
- Z. Political Sign means a temporary sign used in connection with a local, state, or national election or referendum.
- AA. Portable Sign means a sign and sign structure which is designed to facilitate the movement of the sign from one location to another. The sign may or may not have wheels, changeable letters and/or hitches for towing, without a permanent mounting foundation (see sandwich sign and temporary sign).
- BB. Premise means the contiguous land in the same ownership, which is not divided by a public street.
- CC. Projecting Sign means a sign other than a wall sign, which is perpendicularly attached to, and projects from a structure or building face.
- DD. Real Estate Sign means a sign pertaining to the sale, lease or rental of a building or land.

- EE. Real Estate Development Sign means a sign designed to promote the sale or lease of lots, homes or building spaces in a real estate development that is under construction.
- FF. Residential Identification Sign means a monument sign that identifies the name of a residential development (e.g. single-family subdivision/condominium, multi-family development, or mobile home park).
- GG. Roof Sign means a sign erected upon, against or directly above a roof, on top of, or above the parapet of a building.
- HH. Rotating or Moving Sign means a sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.
- II. Sandwich Sign means a sign that consists of two boards upon which a message is posted, which is hinged at the top and open at the bottom so that the boards can lean against each other when placed on the ground (see portable sign and temporary sign).
- JJ. Sign means a structure, device, letter, word, model, banner, balloon, pennant, insignia, emblem, logo, painting, placard, poster, trade flag or representation, illuminated or non-illuminated, which is visible from a public place, including, but not limited to, highways, streets, alleys, or public property, or is located on private property and exposed to the public, which directs attention to a product, service, object, place, activity, person, institution, business, facility, locale, event, attraction, organization, or solicitation.
- KK. Sign Maintenance means the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.
- LL. Sign Permit means an authorization duly issued by the Community Development Department of the City of Auburn Hills allowing the erection of a sign.
- MM. Sign Structure means any arrangement of materials which are either designated for, or are capable of, being affixed with a sign.
- NN. Temporary Sign means a sign which is limited in the time permitted, and is not permanently affixed, including, but not limited to, devices such as balloons, flags, searchlights or spotlights, twirling or sandwich signs, sidewalk or curb signs, signs mounted on or affixed to trailers or wheels of any type and strings of lights.
- OO. Visual Clearance Triangle - The triangle area located at a corner, intersection, or driveway that is required for proper visibility from a motorized vehicle or by a pedestrian.
- PP. Wall Sign means a sign which is attached directly to the exterior wall of a building, and which does not project more than eighteen (18) inches from the wall, with the face of the sign running on a parallel plane to the plane of the building wall.
- QQ. Window Sign means a sign installed inside or outside a window and intended to be viewed from the outside.
3. Permits Required, Application and Compliance Certificate
- A. Permits Required: All signs of any configuration shall be established only after approval of the Community Development Department, compliance with all applicable Codes and Ordinances, and, if required, issuance of a permit or permits. A permit shall also be required when a sign is structurally altered, changed from an accessory to a non-accessory sign (or vice-versa), the sign structure is repaired or re-erected, or the sign is moved or reconstructed. Permit fees shall be established by resolution of the City Council.
- B. Application: Applications for sign permits shall be made upon forms provided by the Community Development Department for this purpose and shall contain the following information:
1. Name, address and telephone number of the applicant.
 2. Name, address and telephone number of the property owner of the property upon which the sign is proposed to be erected.
 3. Location of the building, structure, or lot to which the sign is to be attached or erected.
 4. Position of the sign in relation to nearby buildings, structures, property lines and existing or proposed rights-of-way or private road easements.
 5. Two (2) copies of the plans and specifications and method of construction and attachment to the building or in the ground.

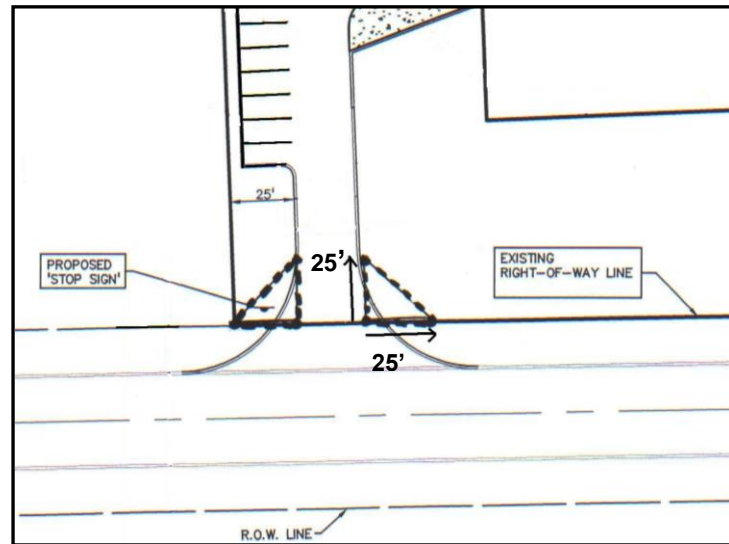
6. Copy of stress sheets and calculations, if deemed necessary, showing the structure as designed for dead load and wind pressure in accordance with the regulations adopted by the City of Auburn Hills.
 7. Name and address of the sign erector.
- C. Signs Requiring Special Land Use Permit. The following signs are allowed as a Special Land Use under the purview of Section 1818 by the City Council, after site plan review and Public Hearing by the Planning Commission. Said signs are subject further to such other reasonable conditions which, in the opinion of the City Council, are necessary to provide adequate protection to the health, safety, general welfare, morals and comfort of the abutting property, neighborhood and City of Auburn Hills. Signs requiring Special Land Use Permit are also subject to Sign Permit approval from the Community Development Department:
1. Automatic Changeable Copy Signs. Such signs shall meet the following requirements:
 - a. Permitted Locations: All businesses located in the O, B-1, and B-2 zoning districts; banks, credit unions, and hotels in the T&R district; and municipal facilities, places of worship, colleges, schools, and hospitals located in the SP District and R-1A thru R-4 districts.
 - b. Sign Style, Height, Width, and Setback: The automatic changeable copy component shall be integrated into a low profile monument sign with a brick or stone base or decorative two-post style sign. The sign shall not exceed ten (10) feet in height and twelve (12) feet in width. The sign shall be setback a minimum of ten (10) feet from the front property line.
 - c. Copy Sign Area: The maximum area of the automatic changeable copy sign component shall not exceed sixty (60) square feet and such area shall not exceed seventy-five (75%) percent of the total sign area (excluding the base), whichever is less.
 - d. Brightness Control and Resolution: The sign shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination. LED signs shall have a pixel pitch of 25 mm or less.
 - e. Minimum Interval: The message copy shall appear in intervals of no less than fifteen (15) seconds.
 - f. Movement Restriction: The use of animation, or flashing, scrolling or blinking characters is prohibited.
 - g. Hours of Operation: The automatic changeable copy component of the sign may only operate during the hours that the business is open, or from 6:00 a.m. until 10:00 p.m., whichever is less. This provision shall not apply to public emergency alerts. The City Council may allow extended hours of sign operation where it is determined that no negative impact is anticipated to residential areas.
 - h. Exception - Automatic Changeable Copy Fuel Price Signs. For purposes of clarification, this subsection shall not apply to fuel price signs. Such signs shall require an administrative sign permit and meet the applicable requirements of this ordinance. Because of the nature of such signage, the price copy may be displayed in a single color in the manner found in an electronic message center, or may utilize mechanical means of altering the copy. The copy message shall only reflect changes in the sales price of such fuels. The fuel price sign component shall not exceed fifty (50%) percent of the total area of any individual sign.

(Amended: 11-17-08 per Ordinance No. 811)
(Amended 11-12-14 per Ordinance No. 864)

2. Billboards.
- a. Purpose: For the purpose of regulating excess signage, encouraging the positive economic development of the City, promoting the safety of the traveling public, protecting existing property values in both residential and nonresidential areas, preventing the overcrowding of land, and promoting a positive community appearance as part of a concerted City-wide effort to protect and enhance the aesthetics of the community, billboards are herein regulated.
- b. Standards. Billboards shall meet the following regulations which are designed to prevent their overconcentration, improper placement, and excessive height, bulk, number, and area. It is intended that billboards be located away from residential areas, and that such signs be regulated to protect the character of the area wherein billboards are located, and to conserve property values in these areas.
1. Permitted Locations. Billboards shall only be permitted on property zoned I-1, Light Industrial District that directly abuts I-75 R.O.W.
 2. Sign Spacing. No billboard shall be erected within a four thousand (4,000) foot radius of any other billboard.
 3. Separation from Residential. A billboard pole shall not be erected closer than one thousand (1,000) feet of a one-family residential zoning district.
 4. Height. A billboard shall not exceed a height of fifty-five (55) feet above the natural grade of the ground on which the billboard is located. Height shall be measured from grade to the top of the billboard.
 5. Size. The total area of a billboard shall be limited to an area of fourteen (14) feet in height by forty-eight (48) feet in width (672 square feet).
 6. Setback. A billboard pole shall not be erected closer than twenty-five (25) feet from any property line and fifty-five (55) feet from any structure located on or off the premise upon which the billboard is located.
 7. Illumination. A billboard may be illuminated, provided such illumination is concentrated on the surface of the billboard and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of oncoming vehicles, or any adjacent premises.
 8. LED Digital Display. An LED digital display (automatic changeable copy sign) may be utilized on a billboard provided:
 - a) The display shall have a pixel pitch of twenty (20) mm or less.
 - b) The display will not use animation, flashing, scrolling, or blinking and will display only static messages.
 - c) The rate of change between static messages will not exceed more than one (1) change per eight (8) seconds.
 - d) The display shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination. If complaints arise in regard to display brightness, the sign owner shall work in good faith with the City Community Development Department to address the concerns in a timely fashion.
 - e) The sign owner shall coordinate with the City Police Department and/or other local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the governmental agency that issues the information.
 - f) The sign owner shall provide to the City Police Department and Community Development Department contact information for person(s) who will be available to be contacted at any time and who are able to turn off the electronic sign promptly if a malfunction occurs.
 - g) Twenty-four (24) hour operation of the display shall be permitted.

- h) Approval of the display shall be subject to submittal, and acceptance by the City Council, of a development agreement detailing the conditions relating to the use restrictions of the sign and other mutually agreed upon items between the owner and City.
9. Variation. A variance from the provisions of this Section, including the conversion of an existing static billboard to a LED digital display billboard, shall only be permitted in exchange for a recognizable net public benefit via Section 1830. Planned Unit Development Option. The decision to approve such a variation shall be at the sole discretion of the City Council and an applicant shall not have the right to seek relief from this section to the Zoning Board of Appeals.
(Amended 1-25-16 per Ordinance No. 872)
3. Roof-Mounted Signs. Roof-mounted signs shall not exceed the height of the roof one-half (1/2) the distance between the eave (or soffit) and peak. Such signs shall be prohibited on the top of the roof, and shall only be allowed on the face of a mansard, hip, gambrel or gable roof. Signs are expressly prohibited on the top of flat roofs. In no instance shall the height of the sign exceed the maximum height of the zoning district in which located.
- D. Signs Requiring a Sign Permit. The following signs are allowed subject to Sign Permit approval from the Community Development Department and must adhere to the restrictions set forth in this ordinance:
1. Freestanding Signs and Wall Signs
- a. Freestanding Signs. Freestanding signs shall meet the following requirements:
1. General Requirements.
- a) Setback. Signs shall have a minimum setback equal to the height of the sign, but no closer than three (3) feet to the R.O.W.
- b) Number. Signs shall be limited to one (1) sign per vehicle entrance, not including directional signs.
- c) Visual Clearance Triangle. No sign shall be permitted in the visual clearance triangle. For the purposes of this Section, the visual clearance triangle shall further mean the area formed at the intersection of any street right-of-way lines (including driveway curb cuts and private road easement lines) by a straight line drawn between said lines at a distance along each line of twenty-five (25) feet from their point of intersection. Entry-way boulevard medians shall be also included in this measurement.
- Exceptions.
- i. Directional and government signs.
- ii. Freestanding signs which are six (6) feet or less in height may be placed within the visual clearance triangle of an entryway boulevard median provided the sign is setback a minimum ten (10) feet from the R.O.W.

Example of Visual Clearance Triangle



- e) Consideration for Adjacent Residential Areas. Signs in a non-residential zoning district shall not be located closer than one hundred (100) feet to the boundary of a one-family residential district. In the event that a parcel of land has less than sufficient frontage to comply with this provision, freestanding signs shall be located as far from the one-family district as feasible.
- b. Single Family Dwelling Units. Single family dwelling units may have one (1) identification Sign not to exceed two (2) square feet in area.
- c. Residential Identification Signs. Residential identification signs are low profile monument signs with a brick or stone base or decorative two-post style signs. Said signs are subject to the following requirements:
1. Signs shall not exceed six (6) feet in height and shall be constructed of durable materials.
 2. Signs shall meet freestanding sign setbacks.
 3. Signs shall not exceed thirty-two (32) square feet.
- d. Non-Dwelling Uses in the Residential Districts. Signs for land uses such as private schools, churches, and other similar uses permitted within the residential districts are subject to the following requirements:
1. Freestanding signs shall not exceed six (6) feet in height and shall be designed as low profile monument signs with a brick or stone base or decorative two-post style signs.
 2. Signs shall meet freestanding sign setbacks.
 3. Total sign area shall not exceeding two (2) square feet for each ten (10) feet, or fraction thereof, of lot frontage, or twenty (20) square feet per net acre for sites larger than one (1) acre, whichever is greater.
 4. No freestanding sign may exceed sixty-four (64) square feet in size.
 5. No wall sign may exceed one-hundred (100) square feet in size.
- e. Non-Residential Zoning Districts. Signs for land uses in non-residential districts are subject to the following:
1. No freestanding sign shall exceed twenty (20) feet in height.
Intent. The City of Auburn Hills encourages the use of monument or decorative two-post style signs. If a pole sign is utilized, the

- steel support pole shall be wrapped with a compatible sign material equal to thirty (30%) percent of the width of the sign.*
2. Total sign area not exceeding eight (8) square feet for each ten (10) feet or fraction thereof of lot frontage, or eighty (80) square feet per net acre for sites larger than one (1) acre, whichever is greater.
 3. Signs in no case may exceed one hundred and fifty (150) square feet per sign.
- f. Downtown District. See Sections 907(7) and 1811D(7) for additional requirements and restrictions related to signs in the Downtown District.
 - g. Sign Area Allocation. Where a premise has more than one (1) occupant, the permitted sign area shall be apportioned in the same percentage as the usable floor area occupied by each occupant to the total usable floor area of the building. The sign area permitted for each use as allocated above may be divided between a number of signs as desired by the occupant, but in no case may the total of the individual sign areas exceed the total permitted area to which the occupant is entitled.
2. Manual Changeable Copy Signs. Manual changeable copy signs, including fuel price signs, shall not exceed fifty (50%) percent of the total area of any individual sign.
 3. Grand Opening/Annual Sale Signs. Grand opening/annual sale signs shall be permitted with the approval of the Community Development Department. Grand opening signs shall be limited to a newly opened business for a maximum one (1) month period. Annual sale signs shall be established for a maximum of two (2) weeks in any twelve (12) months period per business. Businesses obtaining a grand opening or annual sale sign permit shall be permitted up to a twenty (20) percent sign increase over the normally permitted sign area for the limited time period. Signs listed in Subsections 5H, 5I, 5J, 5K, and 5L above may be permitted during the limited time period.
 4. Construction Signs. Temporary construction signs are limited to one sign per development. The size shall not be more than thirty-two (32) square feet per side in all zoning districts. The sign shall not be erected until a building permit has been obtained for the project, if required, or until actual work has begun, whichever is later. The sign shall be confined to the site of the construction and shall be removed at the time any certificate of occupancy is issued, or the work is completed, whichever is earlier. The sign shall not exceed twelve (12) feet in height and shall meet freestanding sign setback requirements.
 5. Real Estate Development Signs. Signs pertaining to residential real estate development within the City may be established on a temporary basis after obtaining a permit, subject to the following:
 - a. One (1) sign, not to exceed eighty (80) square feet in area, with a height not to exceed twelve (12) feet, may be placed at each vehicle entrance on site.
 - b. Signs, with a size not to exceed six (6) square feet in area, and a height not to exceed five (5) feet, may also be located on-site to direct the public to models, sales or rental offices.
 - c. Non-accessory signs, with an amount not to exceed sixty-four (64) square feet in area or twelve (12) feet in height, may be erected on land with frontage on a major thoroughfare having an existing or proposed right-of-way of at least one hundred and twenty (120) feet when intended to direct the public to said developments. Non-accessory signs advertising the same real estate development shall be spaced no closer than four thousand (4,000) feet on the same side of the right-of-way. A temporary one (1) year permit shall be granted, and a two hundred and fifty (\$250) dollar cash bond shall be paid at the time of initial application in order to ensure the proper maintenance of said sign, which is subject

- to forfeiture in the event that signs are not maintained or removed after permit expiration. After initial issuance, such sign permits may be renewed with a twenty-five (\$25) dollar yearly inspection fee.
- d. Signs permitted by this Section shall be removed six (6) months after the time at which any approved units on the site receive ninety (90%) percent Temporary Certificates of Occupancy, or six (6) months after construction on the site has stopped, whichever comes first.
 - e. Signs shall meet freestanding sign setback requirements.
6. Real Estate Signs for MHP, Multiple-Family Residential, and Non-Residential Properties. Signs indicating the premise for sale or rent when such signs are a maximum of thirty-two (32) square feet, with the provision that there shall be only one (1) such sign for each parcel of land. The sign shall not exceed twelve (12) feet in height and shall meet freestanding sign setback requirements.
7. Sandwich Signs in the Downtown District. Sandwich signs shall be allowed in the Downtown District subject to the following standards:
- a. The sign is permitted on a public sidewalk in the Downtown District, provided a maximum of five (5) feet of unobstructed, pedestrian access along the sidewalk is maintained. Adequate space shall be provided for vehicle entry between on-street parking spaces and the sign.
 - b. The sign shall be constructed of durable materials.
 - c. The sign shall have a maximum two (2) faces, each face ten (10) square feet or less in area. The maximum height shall be four (4) feet.
 - d. The sign shall only be displayed during business hours.
 - e. One (1) sign per occupied storefront shall be permitted.
8. Large Format Temporary Wall Murals. Large format temporary wall murals shall be permitted, subject to the following requirements:
- a. A large format temporary wall mural shall be allowed for up to two hundred and forty (240) days. No building may erect large format temporary wall murals more than four (4) times in a calendar year. Except as provided in Subsection 1 below, the maximum allowed time per calendar year for all wall mural signs shall be two hundred and forty (240) days.
 1. Tall Building Exception: Buildings taller than ten (10) stories located on sites with frontage on I-75 or M-59 shall be allowed to erect an unlimited number of large format temporary wall murals, three hundred and sixty-five (365) days a year. The maximum allowed time per wall mural sign shall be two hundred and forty (240) days.
 - b. Only one (1) large format temporary wall mural per site may be erected at any time.
 - c. Large format temporary wall murals may only be erected after obtaining a Sign Permit from the Community Development Department. Large format temporary wall murals must meet all related requirements in the Building Code, including wind loading and flammability requirements. An applicant whose Sign Permit application is denied by the Community Development Department based upon the requirements in this section may appeal in writing said denial to the City Council. The City Council shall hold a hearing on the appeal in a timely manner and shall allow the applicant and other interested parties to appear and present evidence. Denials based upon the Building Code or the Fire Code may be appealed to the Construction Board of Appeals. The Community Development Department shall notify the City Council, in writing, of any Sign Permits for large format temporary wall murals approved or denied under this section. Applicants for a Sign Permit must have the written authorization of the property owner to erect a large format temporary wall mural.

- d. Temporary lighting may be used to illuminate large format temporary wall murals provided the lighting does not cause glare onto adjoining properties or onto public or private roads, or otherwise create a nuisance or a safety hazard. Portable lighting, powered by generators, must not be located adjacent to any residential property and must not produce noise which exceeds the performance standards stated in Section 1807(6) of the Zoning Ordinance.
- e. Large format temporary wall murals must be an accessory sign and pertain to the business on site (i.e., service provided or product produced). Non-accessory large format temporary wall murals shall be prohibited. Further, large format temporary wall murals shall not be used to advertise an event, unless the event is charitable in nature.
- f. Large format temporary wall murals shall only be fabricated out of perforated window film or vinyl mesh. Vinyl mesh installations must meet the requirements of the Building Code.
- g. Large format temporary wall murals of the American Flag are exempt from the time constraints of this ordinance, provided a report is provided to the Community Development Department by the applicant of the condition of the mural every sixty (60) days. No additional text, pictures, or any other information shall be permitted on the large format temporary wall mural of the American Flag.

(Amended: 9-10-12 per Ordinance No. 12-852)

- E. **Compliance Certificate Required:** All signs shall be inspected upon installation and, if found to comply with this Section, the sign shall be issued a Certificate of Compliance. The following provisions shall also apply:
1. **Inspections:** The Community Development Department shall cause existing signs to be inspected periodically if deemed necessary to determine continuation of compliance with the provisions of this Section(s).
 2. **Concealed Work:** In cases where fastenings are to be installed and enclosed in such a manner that the Community Development Department cannot easily remove material to see the fastenings and material used, the sign erector must advise the Community Development Department so that an inspection may be made before concealment.
 3. **Removal of Signs:** Should any sign be found unsafe, insecure, improperly constructed or not in accordance with the requirements of this Section(s), the erector and/or owner shall be required to make the sign safe, secure and otherwise in compliance with the requirements of this Section(s) within thirty (30) days of notice.
 4. **Unsafe Signs:** Existing signs determined to be unsafe and an immediate hazard to health or safety shall be removed or repaired at the owner's expense within forty-eight (48) hours of notification. Failure to remove or repair shall authorize the City to remove or repair said sign. No sign shall be erected so that any part including cables, guys, or other such supporting devices will be within six (6) feet of any electrical conductor, electric light pole, street lamp, traffic light, or other public utility pole or standard. Property surrounding any ground sign shall be kept clean, sanitary, free from obnoxious and offensive substances, and free from weeds, rubbish, and inflammable material. The owner of any property on which a sign is placed and the person maintaining said sign are equally responsible for the condition of the sign and the area in the vicinity thereof. Any sign which the Community Development Department determines to be unsafe structurally, an obstruction to drivers' visibility, or not in conformance with the provisions of this Section, shall be repaired or immediately removed.
 5. **Responsibility:** The owner shall assume full responsibility for the maintenance and/or removal of signs. In the instance that a sign is vacated, or is determined to be unsafe as indicated in Item 4 above, the cost of removal, or repair, if that burden is placed upon the City, shall be assessed to the property owner.

6. Discontinued Use. In the event that a use to which a sign is accessory is discontinued, such sign, or signs, shall be removed within thirty (30) days of such discontinuance. Supporting structures may be left intact upon approval of the Community Development Department.
4. Permits Not Required
For purposes of this Section(s) a permit shall not be required, but compliance with this Section(s) must prevail, for any of the following signs:
 - A. Identification Sign. A sign which is less than three (3) square feet in area, and which is intended in message to convey street numbers or the name of a person or persons, but in no instance a business, occupying a premise.
 - B. Government Sign. Signs not to exceed six (6) square feet in area, which in message warns of danger, prohibition or regulation, regulates parking, or informs of any historical significance.
 - C. Residential Real Estate Signs. Signs indicating the premise for sale or rent when such signs are a maximum of six (6) square feet in area for all residential districts, with the provision that there shall be only one (1) such sign for each parcel of land.
 - D. Outline Tubing Sign. Outline tubing signs are limited to (1) sign which states the words "open" and/or "closed" or "vacancy" and/or no vacancy" only, which shall be limited to two (2) square feet.
 - E. Incidental Signs on Vehicles. Signs mounted on motor vehicles which are operable and currently licensed. When such vehicles are parked, the primary purpose of such parking shall not be sign display. If vehicles are parked for the purpose of advertising, such advertising shall be restricted to only the establishment on the premise where the vehicle is parked, and such vehicle advertisement shall be considered a Special Land Use and shall adhere to the requirements of Section 1818, Special Land Uses Permitted.
 - F. Window Signs. Accessory signs designed to be visible through windows of structures when the area of such signs does not exceed thirty (30%) percent of the window area.
 - G. Incidental Signs. Incidental signs which are visible only from the premise upon which located. Such signs shall not be counted toward the area allocated for the site.
 - H. Political Signs. Political signs when pertaining to a public election shall be located only on private property with the property owner's consent. Such signs shall be removed not later than seven (7) days after the election.
 - I. Directional / Informational Signs. Any directional informational signs required for the purpose of orientation, or any other government sign, when established by the City, County, State or Federal Government.
 5. Prohibited Signs
 - A. No signs of any kind shall be attached to or placed upon a building in such a manner as to obstruct any fire escape or means of ingress/egress.
 - B. No signs, except those established and maintained by the City, County, State or Federal Governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement, or be located on, project into, or overhang any public property. The City Council may grant an exception in any City right-of-way. Prohibited signs shall be removed by appropriate City personnel.
 - C. Flashing or intermittent illumination of signs shall be prohibited.
 - D. Rotating or moving signs.
 - E. Animated signs.
 - F. Projecting signs.
 - G. No sign or advertising device shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal, or other work, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.
 - H. Portable signs, except grand opening/annual sale signs.
 - I. Cold, hot air or helium inflatable balloons, except grand opening/annual sale signs.
 - J. Festoon signs or banners, except grand opening/annual sale signs.
 - K. Searchlights or spotlights, except for grand openings or annual sales, or where such lights are permitted as a Special Land Use in accordance with Section 1818.
 - L. Temporary signs, except grand opening/annual sale signs.

- M. No sign shall be located on any street corner or site access drives which would obscure the vision of drivers or pedestrians, or conflict with traffic control signals.
 - N. Signs on trailers.
 - O. Painted signs directly on walls of buildings.
 - P. Signs utilizing LCD (Liquid Crystal Display), television, video projection, or other similar technology.
6. Nonconforming Signs
- A. Intent: It is the intent of this Section(s) to encourage eventual elimination of signs that, as a result of the adoption of this Ordinance, became nonconforming. It is considered as much a subject of health, safety, and welfare as the prohibition of new signs in violation of this Section(s). It is the intent, therefore, to administer this Section(s) to realize the removal of illegal nonconforming signs and to avoid any unreasonable invasion of established private property rights.
 - B. Continuance: A nonconforming sign may be continued and shall be maintained in good condition, but shall not be:
 - 1. Replaced or changed to another nonconforming sign.
 - 2. Structurally altered so as to prolong the life of the sign.
 - 3. Expanded.
 - 4. Re-established after damage or destruction if the estimated expense of reconstruction exceeds fifty (50%) percent of the estimated replacement cost.
 - 5. Re-established after the business to which it is devoted is discontinued ninety (90) days or longer.
 - 6. Refurbished if the estimated expense of maintenance exceeds fifty (50%) percent of the estimated replacement cost.
7. Sign Illumination
- A. No sign shall be illuminated by other than approved electrical devices and shall be installed in accordance with the requirements of the regulations adopted by the City of Auburn Hills. No open spark or flame may be used for display purposes unless specifically approved by the Community Development Department. Searchlights or spotlights for advertisement or illumination are expressly prohibited, except for annual sales or grand openings. Illuminated signs shall have such illumination directed or shielded so as to not interfere with the vision of persons on the adjacent parcels of land or streets.
 - B. Any lighting for the illumination of signs shall be directed away from, and shall be shielded from, any adjacent residential area.
8. Non-Residential Non-Accessory Signs
Non-accessory signs may be located only within "I" Districts, subject to the following:
- A. There may be no more than one (1) such sign per lot of record.
 - B. Non-accessory signs are to be included within the maximum size limitations as established within each "I" District and shall comply with all other restrictions applicable to accessory signs.

*(Amended: 4-02-07 per Ordinance No. 799)
(Amended: 3-15-10 per Ordinance No. 827)*

SECTION 1812. USE RESTRICTIONS:

No portion of a lot or parcel once used in complying with the provisions of this Ordinance for yards, lot area per family, density as for a development in the Multiple Family District, or percentage of lot occupancy in connection with an existing or proposed building or structure, shall again be used as part of the lot or parcel required in connection with any other building or structure existing or intended to exist at the same time.

SECTION 1813. STORAGE OF VEHICLES, MACHINERY AND LIKE ITEMS:

1. Commercial Vehicles and Equipment:
 - A. Public Property. A person shall not park or store any commercial vehicle or commercial equipment on public property located in any zoning district, including, but not limited to, public streets, stub streets, rights-of-way, bike paths, greenbelts, and planting areas between bike paths and streets, except as provided in sub-paragraph D below.
 - B. Residential Districts. A person may park or store one (1) allowed commercial vehicle outside of an enclosed building in a residential zoned district as an accessory use, subject to the following conditions:
 1. Use by the Resident of the Dwelling. The allowed commercial vehicle is used as a means of transportation of a resident of the dwelling which is necessarily used in their employment, business or profession.
 2. Prohibited Commercial Vehicles. The vehicle shall not be a step/cube van; ambulance; delivery, box, flatbed, platform, refrigerator, tow, dump, fire, garbage, utility, stake, or cube truck; transport vehicle, tractor unit, cab forward, semi-tractor with or without a trailer; bus or limousine; or commercial or construction equipment, trailer, utility trailer, or any similar vehicle and equipment.
 3. Allowed Commercial Vehicles. The allowed commercial vehicle is a commercial vehicle other than as specified in paragraph B.2, above, such as pickup trucks, passenger/cargo-style vans, sport utility vehicles, passenger cars, and similar type vehicles with a single rear axle, which may also include allowed accessories. The vehicle shall be parked in the front, side, or rear yard on an improved surface per Section 1813(3). Allowed accessories shall mean equipment attached to an allowed commercial vehicle that does not extend the vehicle to more than eleven (11) feet in height or longer than twenty-two (22) feet in length including the overhang of roof top equipment. Roof accessory racks, but not side racks, shall be allowed. Pick-up truck contractor caps are allowed provided the cargo bed of the pick-up truck is not altered. A plow on the front and a spreader on the rear of a pick-up truck may be attached even if the vehicle is extended beyond twenty-two (22) feet in length. Signage may be permitted on the vehicle provided the advertising is directly related to the vehicle's use.
 4. Exception for Commercial-Related or Non-Recreational Equipment Use Utility Trailers. One (1) utility trailer utilized for commercial use and/or non-recreational equipment shall only be permitted to be parked or stored outside of an enclosed building in a residentially zoned district in the side and rear yard. Business advertising may be displayed on the utility trailer. The utility trailer shall only be parked and/or stored on an approved improved surface and shall be screened from the view of the street and adjacent properties. The City shall prepare and provide to requesting property owners a list of acceptable screening methods. The vehicle shall be setback at least ten (10) from any side and rear lot line and shall not be placed in a drainage or utility easement.
 - C. Non-Residential Districts. A person shall not park or store any commercial vehicle or commercial equipment on private property in any non-residential district except as provided in subparagraph D below, or unless the vehicle or equipment is parked or stored in relation to a permitted principal or accessory use of the property. In this event, parking or storage must comply with all other City codes and ordinances.
 - D. Exception. A person may park or store a commercial vehicle or commercial equipment in any zoning district, where the parking or storage is limited to vehicles or equipment used by persons engaged in the performance of a service on the adjacent or underlying property, for the period of time reasonably necessary to complete the service.
2. Parking and Storage of Recreational Vehicles in Residential Districts:
 - A. Definition of Recreational Vehicle. For purposes of this section, a recreational vehicle means any vehicle self-propelled or capable of being towed and primarily designed and constructed to provide recreational uses, or to provide temporary living quarters for camping, or recreational travel, which normally would be required to be licensed by the

State of Michigan. A recreational vehicle includes, but is not limited to; utility trailer utilized for recreational equipment, trailer coach; camping trailer; full-tent trailer; motor home; pickup (slide-in) camper; boat, personal watercraft, snowmobile, and all-terrain vehicle (ATV). Where recreational vehicle(s) are placed on or within a utility trailer, they will together be considered one (1) recreational vehicle.

B. Parking and Storage Standards.

A person may park or store recreational vehicles in a residential district as an accessory use on a lot of record, subject to the following conditions:

1. Permitted Location. Recreational vehicles may be parked or stored only in the side or rear yard on an approved surface. Parking of recreational vehicles in the front yard shall be prohibited, except for temporary parking as permitted in subsection (a) below. For purposes of clarification, no part of a recreational vehicle may extend beyond the front plane of a dwelling when parked or stored in the side yard.
 - a. Temporary Parking Exception. A person may park one (1) recreational vehicle on an improved surface in the driveway of a front yard for the purposes of loading, unloading, or cleaning for a period of time not to exceed forty-eight (48) hours. Temporary parking is subject to the requirements of this section. At no time shall any unmounted camper enclosure, or any boat or other recreational equipment not mounted on a utility trailer be parked or stored within any front yard.
2. Setback. Recreational vehicles shall be placed at least ten (10) feet from the side and rear lot line, with the additional restriction that recreational vehicles which exceed ten (10) feet in height shall be placed at least fifteen (15) feet from the side and rear lot line. No recreational vehicle shall be placed in a drainage or utility easement.
3. Parking Surface and Lot Coverage. The parking surface used for the outdoor parking or storage of recreational vehicles shall conform with the requirements of Sections 1813(3) and 1813(4).
4. State Licensed and Vehicle Condition. Recreational vehicles shall be owned, rented, or leased by an owner or occupant of the property on which the recreational vehicles are parked or stored and shall be currently licensed. All recreational vehicles parked and/or stored outside of an enclosed accessory structure shall be kept in a state of proper repair and secured to prevent unauthorized entry. No recreational vehicle may have its wheels removed or be affixed to the ground so as to prevent its ready removal. Temporary coverings such as tarps or cloth screens are not permitted on recreational vehicles. Fitted covers are permitted and may be used as long as they are specifically designed for the vehicle or utility trailer.
5. Visitor Parking. A property owner or occupant may permit a visitor to park a single RV on their lot subject to the requirements of this section. The maximum stay for all visitor RV's combined shall not exceed seven (7) consecutive days, not to exceed fourteen (14) days per calendar year. A RV may be temporarily connected to water and electricity during the visit. A RV shall not be connected to a sanitary sewer line at any time.
6. Living Quarters. A RV shall not be used for living quarters with the exception of visitor parking.
7. Converted Recreational Vehicles. Non-traditional recreational vehicles, including, but not limited to, converted busses, converted trucks, converted step vans/box trucks, and converted trailers shall be prohibited effective September 28, 2020, with those non-traditional recreational vehicles that existed on properties prior to September 28, 2020 having to comply with the requirements of Section 34-159 of the City Code of Ordinances.

3. Vehicle Parking on Approved Surface
A vehicle shall not be parked on the lawn of a side yard, rear yard, or front yard. A vehicle shall be parked on gravel, cement, asphalt, or brick surface, constructed in accordance with the City approved design standards and shall be kept in a proper state of repair, and maintained free of hazardous conditions. The intent of this provision is to eliminate the blighting factors associated with the indiscriminate parking of vehicles on the lawn. The City has determined that such parking is unsightly, causes the loss of ground cover and erosion, provides potential environmental hazards, and could potentially impede emergency vehicle/personnel access to a structure. Further, the parking and storage of vehicles shall not cause a nuisance, blight conditions, or detract from the character of the property or the neighboring properties.
4. Vehicle Lot Coverage in Residential Side and Rear Yards. The parking and storage of all vehicles, including the surface areas on which they are located, may occupy not more than thirty (30) percent of the combined side and rear yards of a residential property, provided that in no instance shall the area utilized for the outside storage of all vehicles in the side and rear yards exceed the square footage of the ground floor area of the main building.

(Amended: 11-13-06 per Ordinance No. 789)

(Amended 9-28-20 per Ordinance No. 918)

SECTION 1814. ENVIRONMENTAL REQUIREMENTS:

The City of Auburn Hills has natural features and characteristics which must be preserved wherever possible. The City's growth, development and increasing demands have and may encroach upon, despoil, pollute and eliminate many of the natural characteristics, features and resources including watercourses, wetlands, trees, vegetation and the like. If the natural features and characteristics are preserved and protected, as nearly as possible, in an undisturbed and natural condition, it will be in the best interest of the health, safety and welfare of the existing and future residents of the City as it will provide important physical, aesthetic, recreational and economic benefits. Proper regulations and provisions for the protection and preservation of the environmental features of the City will provide for the absorption of air pollutants and contamination, reduce excessive noise, and mental and physical damage related to noise pollution, protect against erosion, siltation and flooding, preserve areas of natural beauty, recreation and irreplaceable heritage for existing and future residents.

1. It being of extreme importance to protect woodlands and trees in the City, the applicant for any site plan and/or plat containing over twenty (20) acres shall take appropriate action to preserve and replace trees. The following information shall be presented in writing with any proposed site plan and/or plat:
 - A. Specification of the location of existing stands of trees or existing individual trees.
 - B. Specification of the location of trees to be retained.
 - C. Specifications for protection of the trees to be retained during development.
 - D. Specification for grading and drainage to assure the preservation of the trees to be retained.
 - E. Details of steps to be taken for reforestation and afforestation.
2. The applicant for any rezoning, site plan and/or plat for twenty (20) acres or more shall submit with said site plan and/or plat an Environmental Impact Statement which shall address the following:
 - A. Provide relevant information on the environmental impact of the rezoning, platting, site plan approval, or other actions which will have a significant effect on the environment.
 - B. Consideration of the characteristics of the land, and the interest of the community at large, as well as the petitioner's interest.
 - C. Steps to be taken during development to limit the impact on the environment.
3. The Planning Commission shall recommend denial of the site plan, plat or rezoning to the City Council unless the materials submitted under this Section demonstrate that the applicant has taken all reasonable steps to protect the environment consistent with the development of the site as permitted pursuant to the terms of this Ordinance.

SECTION 1815. SITE PLAN REVIEW:

1. A site plan shall be submitted and approved as set forth in this Section before the issuance of a building permit and before any new building construction or development, any new construction of usable floor area, any change in use of usable floor area, any special or conditional land use or activity, parking change, drainage change or change in ingress or egress, except in the case of construction limited to one (1) single-family home for location on a lot in a previously approved subdivision or plat, or a previously approved acreage parcel. Before issuance of a building permit, or the beginning of a building construction or development related to a second or subsequent single-family home on a lot in an approved subdivision or plat, a previously approved acreage parcel or a previously approved site condominium, a site plan shall be submitted and approved as set forth in this Section.

All site plans shall be approved by the City Council after recommendation by the Planning Commission after compliance with the requirements of this Ordinance, except the Building Inspector may, after consultation with the other departments and agencies of the City, unless it appears necessary to ensure compliance with this Ordinance, approve without submittal to the Planning Commission any site plan involving alterations, modifications, improvements and minor additions to existing structures. The Planning Commission may waive required site plan items which, in the opinion of the Commission, are not necessary to achieve the objectives of this Section and this Ordinance, and may require the submission of an informational sketch detailing the same.

Any property owner denied site plan approval by the Zoning Administrator may appeal to the City Council for a final determination. All site plans shall consist of an overall plan for the entire development. Sheet size shall be at least twenty-four inches by thirty-six inches (24" x 36"), with the plan drawn to a scale of one (1) inch equals one hundred (100) feet (1" = 100'). All site plans shall be drawn to scale.

2. Every site plan submitted for approval shall be in accordance with the requirements of this Ordinance.
3. The following information shall be included, as applicable as possible, either on the site plan or in written or other graphic form (also see Items 4 or 5). A note will suffice in many instances, such as on signage:
 - A. Proprietor's name and address.
 - B. Name of the City.
 - C. Title block
 - D. Northpoint and scale
 - E. Legal description (including lot number or metes and bounds). The Sidwell Number shall be in the lower right-hand corner of the site plan. If part of a Lot Number or part of a Parcel Sidwell Number is indicated as a description, a full sealed metes and bounds description shall be provided. Reference may only be made to Part of a Parcel Sidwell Number if a Site Plan has been previously used for the larger parcel.
 - F. Location sketch (one inch [1"] equals two thousand feet [2,000'])
 - G. Professional seal (Architect, Engineer, Surveyor, Landscape Architect or Planner).
 - H. Topography (fifty feet [50'] beyond site at two foot [2'] contour intervals).
 - I. Lot lines and building lines within one hundred feet (100').
 - J. Lot lines and property line dimensions.
 - K. Centerline, and existing and proposed right-of-way lines.
 - L. Acceleration, deceleration and passing lanes.
 - M. Zoning classification, including abutting parcels.
 - N. Drainage courses and floor areas.
 - O. Tie to major thoroughfare or section corner.
 - P. General utility information.
 - Q. Floor plans and elevations.
 - R. Sign height and details, or note that "all signs shall meet the requirements of Ordinance No. 372."
 - S. Total floor area and usable floor area.
 - T. Parking calculations and method of paving.
 - U. Parking dimensions, including handicapped.

- V. Light details, including height, or a note.
 - W. Loading and unloading area.
 - X. Trash receptacle and/or grease pit and method of screening, including height, gate and concrete pad.
 - Y. Greenbelt paralleling right-of-way.
 - Z. Landscape plan.
 - AA. Indicate vegetation (see Woodlands Ordinance No. 483 and Wetlands Ordinance No. 482).
 - BB. Screening for ground-mounted transformers.
 - CC. Fire lane signage or note.
 - DD. Pathway paralleling right-of-way.
 - EE. Screening for roof-mounted mechanical equipment.
 - FF. Environmental Impact Statement (if required).
 - GG. Front, side and rear yard dimensions.
 - HH. Greenbelt adjacent to property lines.
 - II. Provide the note "Not Construction Drawings."
 - JJ. Gross and net acreage figures.
 - KK. Add a note that parking spaces shall be double striped.
 - LL. Details indicating the location of abandoned well sites and the method of closure in conformance to Oakland County Health Department requirements.
 - MM. Frontage landscaping calculations.
 - NN. Receptacle setback and pad size.
 - OO. Lighting calculations
 - PP. Will there be fire walls or suppression systems installed?
 - QQ. Is a Land Division or combination required?
 - RR. Revision Date.
 - SS. Add a note that there will be no pallet storage, overnight vehicles or trailer storage.
 - TT. Indicate ingress/egress to all properties on the opposite side of the street.
NOTE: See items 4 and 5 below also.
4. The following information shall be included, as applicable as possible, either on the site plan or in written or other graphic form. A note will suffice in many instances, such as on signage. In the case of single family detached condominiums, two (2) family, multiple family, mobile home (See Rule 938 of the Mobile Home Commission Rules), housing for the elderly, or single family cluster development, the following information shall be required:
- A. Density calculations.
 - B. Gross and net acreage figures (net is minus right-of-way).
 - C. Designation of units by type of buildings.
 - D. Interior sidewalks (five (5) feet for handicapped) and sidewalks within right-of-way (eight (8) foot wide pathway along major thoroughfares).
 - E. Typical floor plans.
 - F. Building elevations.
 - G. Hydrant locations.
 - H. Exterior lighting locations and method of shielding (or a note).
 - I. Carport locations and details.
 - J. If provided, trash receptacle location and method of shielding (six (6) foot high masonry screen).
 - K. Transformer pad location and method of shielding.
 - L. Front, side and rear yard dimensions.
 - M. Building length dimension.
 - N. Parking spaces.
 - O. Obscuring wall or berm locations, and cross-sections, where required.
 - P. Landscape Plan.
 - Q. Dedicated road or service drive lengths.
 - R. Community building details and method of fencing the swimming pool, if applicable.
 - S. Entrance details, including signs (or a note that signs shall meet Ordinance requirements).

5. In the case of quasi-public, commercial, industrial, special purpose, and parking development, the following additional information shall be required:
 - A. Landscape Plan (twenty-five percent [25%]) of the net site area in the B-1 District, or twenty percent (20%) of the net site area in all other applicable districts (refer to Section 1808).
 - B. Front, side and rear yard dimensions.
 - C. Loading and unloading areas.
 - D. Total and usable floor area.
 - E. Building elevations.
 - F. Parking spaces and calculations (based on both employees and usable floor area).
 - G. Berm or obscuring wall locations and cross-sections.
 - H. Gross and net acreage figures (net is minus right-of-way).
 - I. Interior sidewalks (five (5) feet for handicapped), and exterior sidewalk locations (eight (8) foot wide pathway one (1) foot inside right-of-way along major thoroughfares).
 - J. Hydrant locations.
 - K. Designation of fire lanes and "No Parking or Standing - Fire Lane" signs.
 - L. Exterior lighting locations and method of shielding (details of the lighting fixtures shall be provided in a site plan or a note that lighting shall be shielded).
 - M. Trash receptacle location and method of shielding (six (6) foot high masonry screen).
 - N. Transformer pad location and method of shielding.
 - O. Entrance details, including signs, to include details of signs such as specific height, whether lighted, type of sign, location, etc. (or a note that signs shall meet Ordinance requirements).
 - P. For industrial development, research office uses, or automobile service stations, the quantity and quality of industrial waste.
 - Q. Propane tank locations and methods of shielding; and any overhead utilities.
 - R. Run-off calculations and method of retention.
 - S. An indication of the recognition of the requirements of Section 1818, if applicable.
 - T. Additional requirements may be found in the following Sections:
 - 1) Sections 1701 and 1702, Schedule of Regulations.
 - 2) Sections 1804 and 1805, Parking Requirements and Standards.
 - 3) Section 1806, Loading and Unloading.
 - 4) Section 1808, Greenbelts, Walls and Landscaping.
 - 5) Section 1825, Waste Storage and Receptacles.
6. A site plan which meets the requirements of the Ordinance of the City of Auburn Hills shall be approved. The City Council may grant site plan approval with conditions when it determines that the site plan, with the satisfaction of the conditions, would meet the requirements of the City's Ordinances. In the event of a conditional approval by the City Council, an application for a building permit may be made provided a revised site plan is attached incorporating, graphically or otherwise, the conditions imposed by the City Council. An application for a building permit for approved or conditionally approved site plans shall be made in accordance with the provisions of Article XX of this Ordinance.
7. In the process of reviewing the site plan, the Planning Commission and the City Council shall determine that there has been compliance with the following requirements before approval:
 - A. All requirements and standards of this Ordinance, and other City Ordinances, shall have been met.
 - B. The location and design of driveways providing vehicular ingress to and egress from the site shall promote safety and convenience of both vehicular and pedestrian traffic both within the site and on access and adjoining streets.
 - C. The traffic circulation features within the site and the location of automobile parking areas are designed to avoid common traffic problems and promote safety.
 - D. There shall be a satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.

- E. The proposed development shall not have an unreasonable detrimental, nor an injurious effect upon the natural characteristics and features of the parcel being developed, and the larger area of which the parcel is a part.
8. The Planning Commission and City Council may further require such additional information as would be necessary in pursuance of these objectives, and the same shall be provided.
9. Any site plans receiving approval shall be effective for a period of one (1) year, or the life of a Building Permit obtained pursuant to the approved site plan, whichever is longer. If construction is not within the period that the site plan is effective, no construction shall take place unless there has been an extension approved by the City Council, and before the extension is granted there is compliance with all applicable site plan requirements that are in effect at the time of the extension.
10. All site plan applications before the Planning Commission shall comply with the following provisions with regard to public notification.
- A. Notice shall be published in the Oakland Press not less than 15 days before the date the application will be considered for approval.
- B. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 1,000 feet of the property and to the occupants of all structures within 1,000 feet of the property regardless of whether the property or occupant is located in the City of Auburn Hills. The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall state all of the following:
- 1) Describe the nature of the request.
 - 2) Indicate the property that is the subject of the request. The notice shall include a listing 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.
 - 3) State when and where the request will be considered.
 - 4) Indicate when and where written comments will be received concerning the request.

(Amended: 7-24-06 per Ordinance No. 781)

SECTION 1816. RESIDENTIAL ENTRANCEWAY:

In all zoning districts, so called entranceway structures, including but not limited to walls, columns and gates, marking entrances to single family subdivisions, multiple housing projects, or mobile home parks, may be permitted and may be located in a required yard provided that such entranceway structures shall comply with all codes and Ordinances of the City, and be approved by the Building Inspector and a permit issued.

SECTION 1817. DWELLING OR BUSINESS IDENTIFICATION:

Each dwelling unit or business establishment in the City of Auburn Hills shall have a clearly identifiable street address attached to the main structure or visible from the right-of-way which shall consist of numbers or letters on a contrasting background, and said address shall be maintained in good condition at all times. A clearly marked temporary sign showing the street number and identification of the site shall be provided at a conspicuous location from the beginning of construction to occupancy.

SECTION 1818. SPECIAL LAND USES PERMITTED:

The intent of this section is to provide regulations for uses which are essentially compatible with uses permitted by right in a given district, but which, by reason of the special nature of such uses or their particular location in relation to neighboring properties, require a stricter level of review by the City.

1. All special land use permit applications require a public hearing before the Planning Commission. Notice of the hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, and the other provisions of this Section with regard to public notification.

- A. Notice shall be published in the Oakland Press not less than 15 days before the date the application will be considered for approval.
 - B. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 1,000 feet of the property and to the occupants of all structures within 1,000 feet of the property regardless of whether the property or occupant is located in the City of Auburn Hills. The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall state all of the following:
 - 1) Describe the nature of the request.
 - 2) Indicate the property that is the subject of the request. The notice shall include a listing 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.
 - 3) State when and where the request will be considered.
 - 4) Indicate when and where written comments will be received concerning the request.
2. In the instance of decisions on special land uses referred and in all other instances in this Ordinance where discretionary decisions must be made by the City Council, after Planning Commission public hearing and recommendation, the requirements and standards as particularly set forth in this Ordinance concerning the matter for decision shall be followed, and said discretionary decision shall so be based upon findings that:
- A. The proposed land use or activity shall comply with local ordinances and State and Federal statutes.
 - B. The location of the land use shall be proper for the activity proposed. It shall:
 - 1) Use the land in accordance with its character.
 - 2) Limit the improper use of land.
 - 3) Provide protection for the preservation of existing natural resources.
 - 4) Avoid overcrowding of population.
 - 5) Conserve the public funds for public improvements and services to conform with the most advantageous use of land, resources, and property.
 - C. The proposed use shall not cause transportation, safety, or congestion problems. The Planning Commission shall consider:
 - 1) The location and design of driveways providing ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
 - 2) The traffic circulation features within the site and the location of automobile parking areas.
 - 3) The adequacy of the existing surrounding transportation system to handle the added vehicular activity proposed by the new use without undue congestion and safety problems.
 - D. The proposed use or activity shall meet the following utility requirements:
 - 1) An adequate supply of safe drinking water.
 - 2) Adequate sanitary and storm sewage disposal system.
 - 3) Utility connections.
 - 4) Surface drainage requirements.
 - 5) Trash and refuse collection and disposal.
 - 6) Protection of the petitioner and the surrounding community from dangerous or hazardous operations which may be brought about by the use or activity.
 - E. There shall be adequate necessary public services. These shall include:
 - 1) Educational facilities.
 - 2) Recreational facilities.
 - 3) Fire protection.
 - 4) Police protection.
 - F. The decision will promote the intent and purpose of this Zoning Ordinance.

- G. The land use or activity authorized shall be compatible with the adjacent uses of land, the natural environment and the capacity of public services and facilities affected by the land use.
 - H. The land use or activity shall be consistent with the public health, safety and welfare of the City.
3. A schematic feasibility plan, or at the prerogative of the petitioner, a site plan, under the requirements of Section 1815, shall be submitted with an application for a special land use or activity. A schematic plan shall contain sufficient information to allow the City Council, Planning Commission, or designated official to ascertain whether or not the special land use will meet the criteria outlined in the following paragraphs. If the special land use or activity is tentatively approved by the City, a site plan shall be submitted in accordance with Section 1815, and upon approval of the site plan, the special land use is granted for that site plan only, and expires if the plan expires.
 4. In each case when a decision on a special land use is made, the City Council may deny, approve or approve with conditions. The decision on a special land use shall be incorporated in a statement containing the conclusions relative to the special land use under consideration which specified the basis for the decision, and any conditions imposed, and shall be made part of the official record, remaining unchanged except on a mutual consent of the approving authority and the land owner. A record shall be kept on any change in conditions.
 5. A request for approval of a special land use or activity, or use or activity requiring a discretionary decision, shall be granted only if each request is in compliance with the standards stated in this Zoning Ordinance.
 6. Reasonable conditions may be required with the approval of a special land use, or other land uses and activities permitted by discretionary decision. Conditions imposed shall meet all of the following requirements:
 - 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 community as a whole.
 - B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 - C. Be necessary to meet the intent and purpose of this Zoning Ordinance, be related to the standards established in this Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
 7. The Planning Commission and City Council may further require such additional information as would be necessary in pursuance of the objectives, and the same shall be provided.
 8. The decision on a special land use or activity, or a use requiring a discretionary decision by the City Council may be appealed to the Oakland County Circuit Court.

(Amended: 7-24-06 per Ordinance No. 781)

SECTION 1819. EXCAVATION AND FILLING OF LAND:

The moving of topsoil, subsoil, sand, gravel, rock, aggregate, earth and other similar materials, and the depositing and dumping of sand, gravel, earth, rock, stone, concrete, minerals, and other similar materials, and the filling of land with rubbish, garbage or other similar waste material shall be allowed only, except as otherwise provided, by Permit of the City Council after referral to the Planning Commission, and shall be subject to the provisions set forth hereinafter, the Zoning Ordinance, Ordinance No. 260, as amended, and all other City Ordinances, regulations, standards, and codes relating to said activities. No permit shall be required: (1) for excavations for the construction of buildings and structures for which a building permit has been issued; (2) for the moving, grading or leveling of earth or rock materials by a property owner solely upon his property and not removed to other contiguous property, it is not a commercial operation, and no more than five (5) acres are involved on the total piece of property; (3) for the filling of land for purposes of construction where the land is low and in need of fill so long as the fill does not contain any refuse, is not a commercial operation, and not more than five (5) acres are involved on the total piece of property or; (4) for the removal of soil when no more than twenty (20) cubic yards are removed in any calendar year.

1. Purpose of These Provisions:

- A. The removing of topsoil, subsoil, sand, gravel, and other materials and the filling of land with refuse results in the emission of noise, dirt, dust and odors and said operations cause permanent changes in the topographical and geological characteristics of land and further, because of said changes, said operations create dangers and hazards by virtue of shifting earth, standing water, filtration into the underground water systems, and other like considerations. In recognition of the fact that the promotion of the public health, safety, and general welfare of the residents of Auburn Hills and the preservation of the City resources and the prevention of nuisances and hazards require reasonable control of the operations, it is deemed necessary that said operation be regulated.
- B. The filling of land with refuse or rubbish shall be prohibited in any District other than an LF Landfill District. Further, all such land filling will be further identified with one of the following:
- H - Hazardous - toxic or dangerous
 - S - Sanitary - household
 - BI - Biologically inert - foundry sand, fly ash, wood, etc.
 - TI - Totally inert - asphalt, cement, etc.
2. Application:
An applicant for a permit or for a renewal of a permit for any of the uses under this Section shall deposit such fees and/or costs as are required by Resolution of the City Council and shall submit an application to the Building Department. The Building Department will forward the application to the Planning Commission.
3. Public Hearing and Referral to Planning Commission:
Before the Council takes action on a permit application for any property not previously under a permit, and for any renewal of a permit, the Planning Commission shall hold a Public Hearing for findings and recommendations on whether the granting of the permit or renewal of a permit, as proposed, would permanently impair the intended land use or potential of the property in question, or detrimentally affect the adjoining properties, or be inconsistent with the planning and zoning of the area where the proposed operation is to be located.
4. Bonds and Insurance
Bonds and insurance shall be provided as outlined in the Soil Excavation & Landfill Ordinance, Section 6A.
5. Soil Excavation and Landfill Ordinance:
Any permit issued pursuant to this Ordinance shall be subject to compliance with, and operations and/or activities under a permit shall conform with, the Soil Excavation and Landfill Ordinance No. 260. It is the express intention of this Ordinance and the Soil Excavation and Landfill Ordinance that they be read as being consistent and enforced together for the best interests of the residents and property owners of the City of Auburn Hills.
6. Specific Requirements Where Applicable:
The application and granting of any permit under this Section shall comply with, and be subject to, the following specific requirements, whenever applicable:
- A. Excavation and Removal:
Processing of materials mined from any property shall be permitted only in an I-3 Industrial District. Processing shall mean altering the material.
 - B. Filling, Depositing, and Dumping:
The filling of land with refuse or rubbish shall be prohibited in any District other than an LF Landfill District.

SECTION 1820. TEMPORARY CONSTRUCTION:

Temporary construction buildings and/or construction activities shall be allowed in any zone for a period of one (1) year if prior approval is obtained from the Building Department. A second year may be allowed if there appears to be no unreasonable delay in the activities, and appears to be a necessity. Temporary construction activities with or without temporary buildings shall be defined as construction activities other than actual construction of buildings approved pursuant to a Building Permit. They include, but not by way of limitation, a construction yard for the development of a subdivision or multiple project, a cement or asphalt making operation for streets or roads in the City, and other similar activities.

The Building Department shall determine, before issuing a Permit, whether the proposed temporary construction building and/or construction activity is necessary and, if it is necessary, that it should be located at the proposed location. The Building Department shall also find that the proposed activity does not place excessive use on any sanitary sewer and/or water systems, nor create a hazardous fire condition. In granting the approval, the Building Department may set such conditions as appear necessary to minimize disturbance to the area and the surrounding land uses. As a condition of approval, the Building Department shall require the posting of a cash bond, corporate surety bond or letter of credit to guarantee compliance with the Zoning Ordinance and all other applicable City Ordinances, standards, rules and regulations, and a property clean-up of the site at a time indicated in the permit. The fees to be charged for the issuance of the Permit and for inspections by the City shall be as set by Resolution of the City Council. The applicant shall also file with the City, Comprehensive Liability Insurance in amounts of One Hundred Thousand Dollars (\$100,000) per person and Three Hundred Thousand Dollars (\$300,000) per occurrence.

Activities allowed pursuant to this Section shall conform to the following requirements:

1. All roads used for ingress and egress, on or off the site, shall be kept dust free by chemical substances, water and/or by hardtopping with cement or bituminous substance.
2. Work areas shall be kept clean and clear.
3. Work areas shall be posted with the owner's and operator's name and phone number.
4. Work yards shall be fenced or otherwise made safe.
5. Truck crossings and other means of ingress and egress shall be posted two hundred (200) feet therefrom in either direction to warn motorists.

SECTION 1821. TEMPORARY EVENTS

The purpose of this section is to establish procedures for evaluating, permitting, and regulating non-reoccurring, limited-term events which occur outside of a primary structure on non-residential zoned property or residential zoned property with approved non-residential uses (e.g., churches/places of worship and schools).

1. Temporary Event Permit Applicability and Review Procedures.
 - A. Permit Required. A person shall not hold a temporary event in the City of Auburn Hills without a temporary event permit issued by the City Council or Director of Community Development in accordance with this Ordinance with the exception that a permit is not required for any City sponsored or co-sponsored event.
 - B. Regulations Applying to All Temporary Events. The following regulations apply to all temporary events:
 1. Events shall operate in compliance with all applicable ordinances and regulations of City of Auburn Hills, and applicable County, State, and Federal laws and regulations.
 2. Events in which a person or persons offer merchandise, services, or food for sale or rent or takes or attempts to take orders for merchandise, services, and/or food shall comply with Chapter 22 of the Auburn Hills City Code, as amended.
 3. All lighting shall be shielded away from abutting occupied property.
 4. All uses shall be on a site adequate in size to accommodate the use intended and participants anticipated.
 5. Amplified sound generated by the event, measured at the boundary of the property, shall not exceed the decibel limits referenced in Section 1807(C).
 6. An event activity shall not take place within thirty (30) feet of the perimeter of the area. All activities may be required to be adequately screened as considered necessary to protect abutting property.
 7. The applicant or responsible party shall allow an authorized City enforcement officer to enter and inspect the premises at any reasonable time, and failure to allow inspection may constitute a violation of this Section.
 8. An authorized City enforcement officer may close an event if applicable ordinances and regulations of City of Auburn Hills, and applicable County, State, and Federal laws and regulations are found to be violated and/or until said provisions, including any conditions attached to the permit, have been fully met.

9. Any person who violates the provisions of this Section may be responsible for a municipal civil infraction; subject to the Schedule of Fines adopted by the 52-3 District Court, plus costs and other sanctions, for each offense per Section 2013. Penalties, Sanctions, and Remedies for Zoning Ordinance Violations.
- C. Permit Application and Review. Where a temporary event permit is required, the person responsible for the event shall file an application with the Community Development Department for review. The application shall be submitted together with a sketch plan and written material which contain the following:
1. A scale of not less than one (1) inch equals one hundred feet (1" = 100').
 2. Date, including revisions, and north arrow.
 3. The dimensions of all lot and property lines showing the relationship of the subject property to abutting properties.
 4. Size, location, and details of temporary structures (e.g. tents, bleachers, grandstands, etc.).
 5. The locations of all existing structures and lot lines within one hundred feet (100') of the subject property.
 6. The location of all existing and proposed drives and parking areas, and the method of dust and traffic control.
 7. The location of any signs, and the dimensions and plans of such signs.
 8. The names and addresses of the persons responsible for the preparation of the sketch plan, and the proprietor. The owner of the property must sign an affidavit of ownership, and if the property is to be used by other than the owner, an affidavit from the owner must be presented verifying permission to use the property.
 9. The location of all outdoor lighting facilities.
 10. Front, side and rear yard dimensions.
 11. The number of parking spaces and layout.
 12. Method of screening the use from abutting property.
 13. Designation of the location of firefighting equipment (firefighting equipment is mandatory and shall be subject to the review of the Fire Chief).
 14. Certificate of Insurance with the City of Auburn Hills named as an additional insured (amount to be determined by the Community Development Department).
 15. Method and plan for trash removal.
 16. Plan for managing and placing of sanitary facilities.
 17. Requested police involvement
 18. Duration of activity (dates and hours of operation).
 19. Any other items necessary to conform to current City Ordinances.
- D. Review and Inspection Fees. With the filing of an application, a fee shall be paid to the City in an amount specified by resolution of the City Council, intended to cover all fees, including inspection and monitoring fees. If other fees are required to be expended in reviewing the application, a further fee payment shall be made in an amount determined by the Community Development Department based upon the nature and extent of the study and/or consultations.
- E. Internal Review for Completeness. The Community Development Department, in consultation with applicable City departments and consultants, shall review the temporary event permit application to verify that all required information has been provided. The City may require additional information in regard to hazard analysis, contingency plans, crowd and traffic control, and other related event planning items consistent with FEMA's *Special Events Contingency Planning* manual depending on the nature of the event.
- F. Administrative Review. The Director of Community Development may approve a temporary event permit in those instances where the event lasts no longer than four (4) days when, in the reasonable exercise of his/her discretion, he/she has determined that:
1. The temporary event plan meets the requirements of this Section.
 2. The temporary event is anticipated to not generate substantial noise, traffic, vibration, congestion, light, dust, smoke, odor or similar results.

For purposes of clarification, the Director of Community Development may forward a temporary event permit application, which lasts no longer than four (4) days, to the City Council for public hearing and formal review based on the location, type, or size of event.

- G. Public Hearing and Formal Review. For temporary events which last longer than four (4) days or events forwarded by the Director of Community Development for review, the City Council, after Planning Commission public hearing and recommendation, shall issue a temporary event permit when, in the reasonable exercise of its discretion, it has determined that:
1. The temporary event plan meets the requirements of this Section.
 2. The temporary event is anticipated to not generate substantial noise, traffic, vibration, congestion, light, dust, smoke, odor or similar results.
- H. Permit Conditions. The Community Development Department (administrative review) or City Council (formal review) may attach to the granting of the permit any reasonable conditions considered necessary to ensure the intent of this Ordinance will be fulfilled and to provide adequate protection to the health, safety, general welfare, morals and comfort of the abutting property, neighborhood and City of Auburn Hills.

(Amended: 6-04-07 per Ordinance No. 801)

SECTION 1822. USE OF, AND MAINTENANCE OF, PROPERTY AS APPROVED:

1. No owner, tenant, occupant, or person shall use, or allow to be used all or a part of any property which was the subject of an approval required by this Ordinance except in compliance with the terms of the approval or permit granted. An example, not by way of limitation, is using only areas designated for parking for parking purposes, and not some other area of the property.
2. The owner, tenant, occupant or person in charge of any property which was the subject of an approved site plan shall maintain the property and the improvements thereon in accordance with the approved site plan, or an approved amendment thereof. The duty to maintain shall include the duty to maintain in a condition substantially similar as approved, including the duty to replace, if necessary, all improvements such as, but not by way of limitation, all greenbelts, plantings, walls, fences, paving, trash receptacles, handicapped parking areas, and the like.

SECTION 1823. STRUCTURES TO HAVE STREET ACCESS:

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

SECTION 1824. MORE THAN ONE PRINCIPAL STRUCTURE ON LOT:

In any District other than one family residential, more than one structure having a permitted or permissible principal use maybe erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot. In this circumstance, where ingress/egress drives or parking maneuvering lanes are mutually utilized by different occupants, irrevocable easement agreements must be provided with the site plan.

SECTION 1825. WASTE RECEPTACLE AND COMPACTOR ENCLOSURES

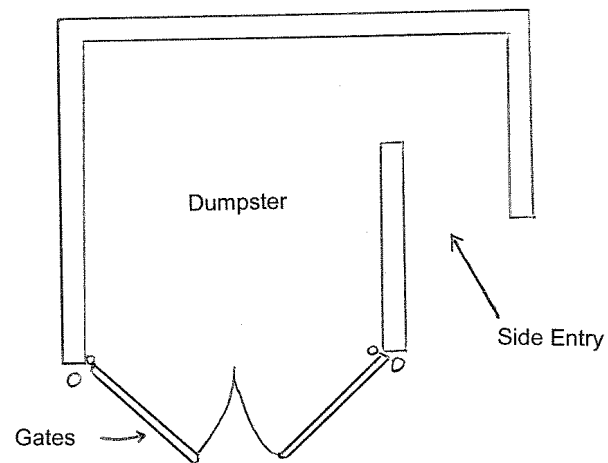
Every building used for human habitation or occupancy shall be equipped with receptacles for the storage of garbage, rubbish, materials intended to be recycled, and other waste materials generated by such use. The storage capacity of such receptacles shall be equal to or exceed the volume of such garbage, rubbish and waste materials that can reasonably be expected to be generated in a fourteen (14) day period. Such receptacles shall be rodent proof, in good condition and capable of being emptied directly into the collection vehicle. No occupant, owner, lessee or agent of a building shall permit or cause the storing or accumulation of rubbish, waste or garbage in other than such receptacles.

In nonresidential areas, whenever site plan or revised site plan approval is required, waste receptacle and compactor enclosures shall be designed, constructed, and maintained according to the following requirements:

1. All waste receptacles and compactors shall be screened from view with a minimum six (6) foot high masonry wall. In addition, the wall shall be at least one (1) foot above the height of the

- receptacle or compactor. The enclosure shall be constructed of durable materials (i.e., brick or decorative concrete masonry units) which would complement the material of the principal structure.
2. The base of the enclosure shall be constructed of six (6) inches of reinforced concrete pavement that shall extend eight (8) feet beyond the base or gate to support the front axle of a refuse collection vehicle.
 3. Gates shall be provided and may be of wood construction as noted below, and shall be obscuring. Wood obscuring material may be used on gates provided the lumber is treated to prevent decay or is determined to be durable and suitable for outdoor use by the Building Official. Suggested timber materials include Cedar, No. 2 Cedar rough sawn seasoned, and Redwood. The framing supporting the wood obscuring material shall be of heavy-duty metal construction.
 4. Waste receptacle enclosures shall be at least fifteen (15) feet from any building or property line. Trash compactor enclosures may be placed within fifteen (15) feet of a building subject to compliance with the Fire Code.
 5. A side entry shall be provided on waste receptacles and compactor enclosures to allow employee access to the receptacle without opening the gates.

Example of a Side Entry on an Enclosure



6. Screening of large dock feed compactors (i.e., rear feed from the loading dock) utilized by businesses within the B-2, T&R, I-1, I-2, and I-3 Districts shall be at the discretion of the City Council. The City Council in exercising its discretion shall take into consideration the visibility of the compactor to the general public and parcel configuration. A recommendation for mitigating the visual impact of a large dock feed compactor is to match the compactor to the color of the building along with supplemental screening.
7. Waste receptacles and compactor enclosures shall be located only in the side or rear yard, except when a parcel has multiple road frontage (i.e., parcel lies between two or more road right-of-ways). When a project has multiple road frontage, the location of the receptacle enclosure shall be at the discretion of the City Council. The City Council in exercising its discretion as to the location of the enclosure shall take into consideration visibility to the general public, traffic circulation within the project site, and parcel configuration.
8. Landscape plantings may be required by the City Council, where appropriate, along the wall of the enclosure to better screen the waste receptacle or compactor and enhance the view of the site.
9. The owner and tenant of a building rented for use or occupancy, whether residential or other use, shall take such measures as are reasonably necessary for compliance with these requirements, and failure to comply with these requirements shall be deemed a violation of the Ordinance by both the owner and the tenant.
10. Trash pick-up for nonresidential and multiple family residential uses which abut property zoned R-1A, R-1, R-2, R-3, and R-4 One-Family Residential District, shall only be permitted as provided in Chapter 54. Solid Waste of the City of Auburn Hills Code of Ordinances, as amended.

11. Enclosure gates and dumpster lids shall be kept closed at all times when not in use.
(Amended: 11-11-02 per Ordinance No. 709)
(Amended: 3-20-06 per Ordinance No. 773)

SECTION 1826. EMERGENCY TEMPORARY PERMITS:

In the event a residential structure is damaged by fire, flood, tornado, or similar disaster, to the extent that it cannot be occupied, the Building Department may issue a permit to locate on the premises, a temporary mobile unit subject to the following:

1. A sewage disposal means satisfactory to the City of Auburn Hills and/or the Oakland County Health Department must be available to service the unit.
2. A potable water supply shall be available to the unit.
3. The unit shall be installed in a manner consistent with the provisions of applicable plumbing, heating, electric, and structural codes.
4. The location of the unit shall be such that it poses no hazard to the site or vision for vehicles, and in no case shall the unit be closer than ten (10) feet to any lot line.

This permit shall be issued for a maximum of thirty (30) days with one (1) thirty (30) day extension allowed. Further time must be approved by the City Council. In the event of such a disaster to a non-residential structure, a permit may be issued for a temporary mobile unit to house personnel for a period of thirty (30) days.

1. The unit and its location shall be shown on a site plan and is subject to approval of the Auburn Hills Fire Department and Auburn Hills Building Department. The considerations for approval shall include proximity to other structures and lot lines. Such items to be considered are anticipated parking requirements, space available for firefighting activities, potential for increased traffic hazard, accessibility to the unit for visitors and other factors involving public safety.
2. Available to the unit shall be a means of sewage disposal and potable water meeting with the approval of the City of Auburn Hills and/or the Oakland County Health Department.
3. The unit shall be installed consistent with applicable electrical, plumbing, heating and structural codes.

Any extension beyond the thirty (30) days of the permit must be with the approval of the City Council who shall consider the impact of this structure on the surrounding area, the safety of visitors and employees, and the hardship involved to the petitioner if his business use on this parcel must be interrupted.

In no case shall the interests of the petitioner be placed above the safety of the public or the interests of the business community in the surrounding area.

A cash or surety bond of One Thousand (\$1,000.00) Dollars shall be posted with the City Treasurer prior to permit issuance to assure compliance with all pertinent regulations including timely removal of the unit at the expiration of the permit.

Such bond may be used without further proceedings to repay the City for all costs involved in obtaining compliance. The bond will be refunded upon approval of Building Department inspection certifying that the property has been restored to a clean and neat condition, and after the unit has been removed from the site.

SECTION 1827. SIMILAR PRINCIPAL USES PERMITTED:

The Zoning Administrator shall consider the following factors in determining whether a use shall be permitted as a principal permitted use based upon a similarity to specifically listed principal permitted uses within a particular zoning district:

1. Similarity of the proposed use to existing and permitted principal uses in terms of:
 - A. Purpose.
 - B. Intensity.
 - C. Generation of:
 1. Noise,
 2. Odor,

3. Vibration,
4. Light,
5. Congestion.
- D. Aesthetics.
- E. Demand for public services and facilities.
2. Compatibility of the proposed use with existing and permitted principal uses in terms of:
 - A. Aesthetics.
 - B. Demand for public services.
 - C. Demand for public facilities.
 - D. Generation of:
 1. Noise,
 2. Odor,
 3. Vibration,
 4. Light,
 5. Congestion, including but not limited to, traffic and pedestrian congestion.
3. Whether the proposed use would change the character of the use district as contemplated by the terms of this Ordinance.
4. Whether the proposed use would adversely affect the public health, safety and welfare of the community at large.

A plot plan under Section 2002 or a site plan under Section 1815 may be required by the Zoning Administrator if necessary for a proper consideration of the factors listed in this Section.

SECTION 1828. SIMILAR SPECIAL LAND USES PERMITTED:

The Zoning Administrator shall consider the following factors in determining whether a use shall be considered a special land use based upon similarity to specifically listed special land uses within a particular zoning district:

1. Similarity of the proposed special land use to existing and permitted special land uses in terms of:
 - A. Purpose,
 - B. Intensity,
 - C. Generation of:
 1. Noise,
 2. Odor,
 3. Vibration,
 4. Light,
 5. Congestion.
 - D. Aesthetics,
 - E. Demand for public services and facilities.
2. Compatibility of the proposed special land use with the existing and permitted special land uses in terms of:
 - A. Aesthetics.
 - B. Demand for public services.
 - C. Demand for public facilities.
 - D. Generation of:
 1. Noise,
 2. Odor,
 3. Vibration,
 4. Light,
 5. Congestion, including but not limited to, traffic and pedestrian congestion.
3. Whether the proposed land use would change the character of the use district as contemplated by the terms of this Ordinance.
4. Whether the proposed use would adversely affect the public health, safety and welfare of the community at large.

A plot plan under section 2002 or a site plan under Section 1815 may be required by the Zoning Administrator if necessary for a proper consideration of the factors listed in this Section.

If the Zoning Administrator determines that a use can be considered as a special land use based upon its similarity to a specifically permitted special land use within a particular district, then the proposed use shall meet the requirements applicable to that permitted special land use to which it is similar, as well as the additional criteria of Section 1818.

SECTION 1829. CONDOMINIUM REGULATIONS.

1. Intent.

The intent of this Section is to regulate the division and development of land under the Condominium Act (PA 59 of 1978) so that the development is comparable in quality of design and overall density to property divided and developed by other methods.

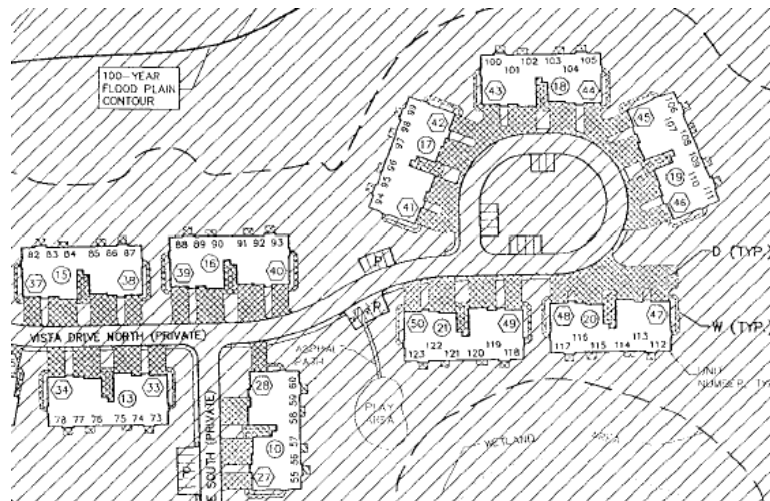
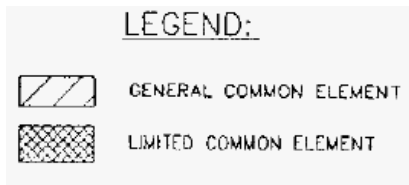
2. Definitions.

A. Except as otherwise provided by this Section, the following words and phrases, as well as any other words or phrases used in this Section which are specifically defined in the Condominium Act, shall conform to the meanings given to them in the Condominium Act: "common elements"; "condominium documents"; "condominium unit"; "contractible condominium"; "convertible area"; "expandable condominium"; "general common elements"; and "master deed."

B. For the purpose of this Section, certain words, terms and phrases shall be defined as follows:

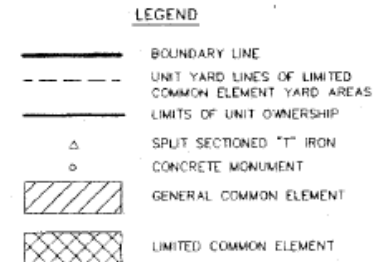
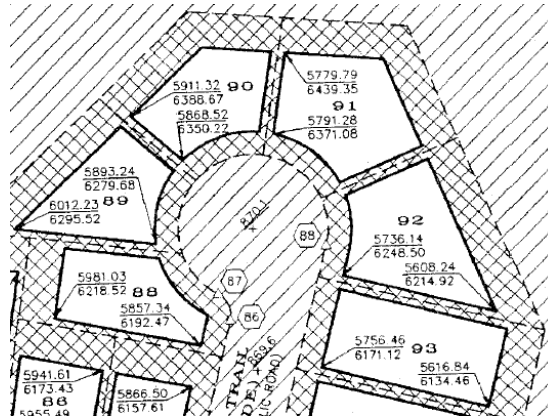
1. Conventional condominium - A development in which ownership interest is divided under the authority of the Condominium Act (PA 59 of 1978) and in which the condominium unit consists primarily of the dwelling or other principal structure and most of the land in the development is part of the general common area. In regard to residential development, the term "conventional condominium" shall be used to describe a condominium development with two or more one-family housing units in one structure.

Conventional Condominium - Example



2. Site condominium - A development in which ownership interest is divided under the authority of the Condominium Act (PA 59 of 1978) and in which the condominium unit consists of a building site, with or without structures, which along with associated limited common elements, constitutes the equivalent of a lot. The term "site condominium" is used to describe a condominium development with detached one-family housing or nonresidential units.

**Site Condominium
- Example**



3. Compliance with Zoning Ordinance Requirements.

- A. Conventional condominium units shall be permitted subject to the requirements of Section 1815, Site Plan Review and other applicable City ordinances and polices, provided that such residential units meet the minimum lot size/area requirements as required in Section 1701(g) for multiple-family residential structures. Buildings must be setback from the site's boundaries and from other buildings as required in Sections 1700 and 1701(h) for multiple-family residential structures. In the case of non-residential uses, all applicable zoning requirements shall be met and buildings shall be setback from the site's boundaries and from other buildings as required for the zoning district in which the parcel is located.
- B. Site condominium units shall be permitted subject to the requirements of Section 1815, Site Plan Review and other applicable City ordinances and polices, provided that such units are built as though each unit were on a condominium unit in lieu of an individual lot, as in the case of a one-family or non-residential subdivision. The condominium unit shall conform to the bulk and density the requirements of the respective residential or nonresidential zoning district in which the project is proposed. All other requirements for one-family residential and non-residential development shall be met including maximum height of structures, minimum yard setbacks, minimum floor area per unit, minimum parking requirements, maximum percentage of lot area (building envelope) coverage, minimum landscaping requirements, and all other applicable requirements.

4. Site Plan Review.

The review process for condominium site plans shall comply with those procedures for provided in Section 1815. Site Plan Review. In addition, a draft development agreement shall be provided by the applicant at the time of condominium site plan review.

5. Additional Requirements.

- A. Condominium roads. Roads shall require direct access and direct connection to a public road from the project site. All public or private roads within a condominium project shall conform to the standards and specifications established by the City of Auburn Hills for public and private road design and maintenance. Condominium roads shall be located within an approved and dedicated right-of-way of sufficient width and design to accommodate street pavement, sidewalks or paved pedestrian paths, and all necessary utilities.
- B. Pathways and sidewalks. Pathways shall be provided along exterior boundary roads shall be eight (8) feet wide as designated in the City's Parks & Recreation Master Plan. Sidewalks shall be constructed to City standards and shall be no less than five (5) feet in width on both sides of interior roads.
- C. Master deed. Upon approval by the City Council, the petitioner shall provide necessary copies of the proposed master deed and any additional documentation, to be recorded with the Register of Deeds, for review and approval by the City Attorney, with respect to all matters subject to regulation by the City, including, without limitation, ongoing

- preservation and maintenance of drainage, retention, woodland, wetland, and other natural areas and common areas in the project.
- D. Development agreement. Upon approval by the City Council, the petitioner shall provide necessary copies of the development agreement, to be recorded with the Register of Deeds, which states the commitments proposed on the site plan and any commitments stated on the record at public meetings.
- E. Recording of documents. No construction, grading, tree removal, soil stripping or other site improvements or changes shall be commenced by any person and no building construction or grading permits shall be issued by the Community Development Department until the project's master deed / by-laws and final development agreement are approved by the City Attorney and recorded with the Register of Deeds.
- F. Financial guarantee. No building construction or grading permits shall be issued by the Community Development Department until the applicant deposits with the Community Development Department cash, a certified check or irrevocable bank letter of credit, whichever the City selects, to insure faithful completion of all improvements within the time specified. The amount of the deposit shall be set based on cost estimates provided by the applicant and agreed upon with the City's Consulting Engineer. The Director of Community Development shall release funds for the payment of work as it is completed and approved by the City. Improvements shall be provided by the applicant in accordance with the standards and requirements established in this Section and/or any other such standards and requirements which may, from time to time, be established by ordinance or published rules of the City.
6. Building Permits.
- A. Prior to the issuance of building permits for individual units, the petitioner shall demonstrate approval by City, County, and State entities having jurisdiction with regard to any aspect of the development, including, without limitation, roads, water supply, sewage disposal, storm drainage, and other utilities.
- B. Building permits shall be required for individual building sites.
- C. Notwithstanding the above, the Community Development Director, upon review and recommendation by the Building Official, may issue building permits for up to four (4) model homes or ten (10) percent of the total number of sites, whichever is less, prior to completion of all roads, water supply, sewage disposal, storm drainage, and other utilities for the whole project. The issuance of said permits shall be provided if roads, water supply, sewage disposal, storm drainage, and other utilities to service the site used for model homes are completed and determined to be acceptable for use. Certificates of occupancy for such homes shall be limited for model purposes until such time as all such improvements are completed and determined acceptable for use.
- D. Prior to issuance of temporary or final certificates of occupancy, the petitioner shall comply with the requirements for performance guarantees contained in Section 2007 of this Ordinance.
- F. With respect to each building envelope/unit, within ninety (90) days following final inspection of the improvement, the petitioner shall submit to the Community Development Department an "as built" survey which complies with the requirements of MCL 560.125-126; MSA 26.430(125-126), including dimensions between each improvement and the boundaries of the building site, and distance of each improvement from any wetlands, floodplain, and/or floodway. Monuments shall be located in the ground with the requirements MCL 560.125; MSA 26.430(125).
7. Fees.
Fees for review of plans under this Section shall be established by resolution of the City Council.
8. Amendments to Master Deed.
- A. Proposed amendments or changes to an approved master deed shall be submitted to the Community Development Department for review. The Director of Community Development, after consultation with the City Attorney and City Assessor, may approve the proposed amendment if it is determined that the proposed modification is minor in nature, does not violate Ordinance requirements, and does not substantially affect the overall character of the plan

- B. If the Director of Community Development determines the proposed amendment is substantial in nature, the amendment shall be forwarded to the Planning Commission and City Council for review in accordance with procedure outlined in Subsection 4.

(Amended: 1-24-05 per Ordinance No. 747)

SECTION 1830. PLANNED UNIT DEVELOPMENT OPTION:

1. Authority.
The Planned Unit Development (PUD) option is established in accordance with the Michigan Zoning Enabling Act (Public Act 110 of 2006). Development permitted under this section is only upon terms agreeable to the City of Auburn Hills. The decision to approve its use is at the sole discretion of the City Council.
2. Conditions That Create PUD Eligibility.
A proposed development is eligible for the PUD option if it provides a recognizable net public benefit to the health, safety, and welfare of the residents of the City of Auburn Hills and accomplishes one or more of the following:
 - A. Permits flexibility in the regulation of land development.
 - B. Encourages innovation in land use and variety in design, layout, and type of structures constructed.
 - C. Achieves economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities.
 - D. Encourages useful open space.
 - E. Provides better housing, employment, and shopping opportunities particularly suited to the needs of the residents of the City of Auburn Hills.
3. Criteria for Qualification.
In determining whether the proposed PUD provides a recognizable net public benefit and meets one or more Conditions that Create PUD Eligibility, the Planning Commission and the City Council may consider the following:
 - A. Unique factors related to a particular site.
 - B. Preservation of unique site design features.
 - C. Architectural design quality and innovation.
 - D. Construction of homes that are accessible and visitable for people of all ages and abilities by utilizing universal design elements and features in accordance with Section 1836.
 - E. Extent and type of landscaping.
 - F. Preservation, enhancement, or restoration of natural resources such as trees, slopes, and wetland areas.
 - G. Preservation or enhancement of historic resources.
 - H. Provision of open space or public plazas or features and/or financial contribution to assist with the creation and maintenance of off-site public spaces and improvements.
 - I. Efficient consolidation of poorly dimensioned parcels or property with difficult site conditions such as topography, shape, etc.
 - J. Effective transition between higher and lower density uses, and/or between non-residential and residential uses.
 - K. Commitment to construct a project that obtains certification from the U.S. Green Building Council or similar nationally recognized green building program.
 - L. Shared vehicular access between properties or uses.
 - M. Complementary mix of uses or a variety of housing types.
 - N. Mitigation to offset impacts on public facilities such as road and utility improvements and/or the contribution to the City of equipment and/or assets.
 - O. Redevelopment of sites where an orderly change of use is desirable.
 - P. Installation of plug-in electric vehicle charging stations for use by employees and visitors in accordance with Section 1834 and/or the installation of other infrastructure for alternative fuel vehicles.
 - Q. Creation of a plug-in electric vehicle ready residential development with garages and/or carports prepped for charging stations in accordance with Section 1834.
 - R. Any other factor that contributes to Conditions that Create PUD Eligibility.

4. Exception.
A PUD option may not be used if the same land use objectives can be accomplished by the application of conventional zoning provisions or standards.
5. Uses Permitted.
 - A. A land use plan may be proposed for the area to be included within the proposed PUD. The land use plan shall be defined by the districts of the zoning ordinance which are to be applicable to the parts of the PUD area.
 - B. Principal Uses Permitted and Special Land Uses Permitted shall be allowed within the districts identified on the PUD Plan, except that some uses may be specifically prohibited from districts designated on the PUD Plan. The City Council may permit uses not permitted in the district if specifically noted on the PUD Plan. Conditions applicable to Principal Uses Permitted and Special Land Uses Permitted shall be used as guidelines for design and layout, but may be varied by the City Council provided that such conditions are indicated on the PUD Plan.
 - C. Nonresidential uses may be permitted in residentially zoned areas. Residential uses may be permitted in non-residentially zoned areas. Densities or lot sizes which are different from the applicable district(s) and the mixing of land uses that would otherwise not be permitted are permitted; provided, other required objectives are met and the resulting development is eligible for the PUD option.
6. Height, Bulk, Density and Area Standards.
The standards as to height, bulk, density, and setbacks of each zoning district shall be applicable within each specific district area designated on the plan, except as specifically modified and noted on the PUD Plan.
7. Submittal Procedures.
Approval of a PUD shall include two (2) steps - Step One and Step Two, as described in this subsection. In an effort to expedite the PUD review process, an applicant may seek Step One and Step Two approvals concurrently, provided all the applicable information listed in this section, including a draft Development Agreement, and other applicable ordinances are submitted concurrently. The Planning Commission may recommend and the City Council may require changes or place conditions on the approval of the proposed PUD and the Development Agreement.
 - A. Step One Review: Submission of PUD Plan (Qualification)
 1. A person owning or controlling land in the City of Auburn Hills may make a Request to Approve (application) for a PUD. The application shall request a determination as to whether a parcel qualifies for the PUD option based on the Conditions that Create PUD Eligibility.
 2. An application shall be made to the Community Development Department for review and recommendation by the Planning Commission and shall include:
 - a. A certified boundary survey of the exact acreage being requested done by a registered land surveyor or civil engineer (scale: not smaller than one [1] inch equals one hundred [100] feet).
 - b. A topographic map of the entire area at a contour interval of not more than two (2) feet. This map shall indicate all major stands of trees, bodies of water, wetlands and unbuildable areas (scale: not smaller than one [1] inch equals one hundred [100] feet).
 - c. A PUD Plan indicating the following at a scale no smaller than one (1) inch equals one hundred (100) feet (1" = 100'):
 - i. Land use areas requested in the PUD Plan.
 - ii. Vehicular circulation including major drives and the location of vehicular access points.
 - iii. Preliminary proposals as to cross sections and as to public or private streets.
 - iv. Transition treatment, including minimum building setbacks to land adjoining the proposed PUD and between different land use areas within the proposed PUD.

- v. The general location of nonresidential buildings and parking areas, estimated floor areas, building coverage and number of stories or height and proposed building facade and building elevation.
 - vi. The general location of residential unit types, densities and lot sizes by area.
 - vii. The general location of all woodlands, wetlands, water, and water courses and proposed water detention areas.
 - viii. The boundaries of open space areas that are to be preserved and reserved and an indication of the proposed ownership thereof.
 - ix. A schematic landscape treatment plan for open space areas, streets and border/transition areas to adjoining properties.
 - x. A preliminary grading plan, indicating the extent of grading including any areas which are not to be graded or disturbed.
 - xi. A preliminary utility plan including an indication of the contemplated water distribution, storm and sanitary sewer plan.
 - xii. Any deed restrictions or restrictive covenants associated with the property.
 - xiii. All easement locations.
 - xiv. A written statement explaining in detail the full intent of the applicant, also indicating the type of dwelling units or uses contemplated and resultant population, floor area, parking and supporting documentation, including the intended schedule of development.
3. After holding a public hearing in accordance with the notice requirements of Section 1815, the Planning Commission shall report its findings and make its recommendations to the City Council on the PUD Plan. The Planning Commission shall make a determination whether:
 - a. The PUD Plan promotes the land use goals and objectives of the City of Auburn Hills.
 - b. The PUD Plan is eligible for the PUD option.
 - c. All applicable provisions of this section have been met. Insofar as any provision of this section shall be in conflict with the provisions of any other section of this Ordinance, the provisions of this section shall apply to the lands embraced within a PUD area.
 - d. There is, or will be at the time of initial development, an adequate means of disposing of sanitary sewage and of supplying the development with water, and that the road system and storm water drainage system are adequate.
 4. The City Council shall review the PUD Plan and make a final determination as to the proposed plan's adherence to the above stated objectives and requirements.
 - a. If the Council grants the application, the applicant shall prepare a Development Agreement setting forth the conditions upon which the approval is based. The Development Agreement shall be submitted for approval at the time of PUD Step Two review.
 - b. Once an area has been included within a PUD Plan and the PUD Plan has been approved by the City Council, development may not take place in the plan area nor may any use be made of the plan area except in accordance with the PUD Plan or in accordance with an amendment approved by the City Council.
 - c. An approved PUD Plan may be terminated by the applicant or the applicant's successors or assigns, prior to any development within the area involved, by filing with the City Clerk and recording in the County records an affidavit so stating. The approval of the PUD Plan shall terminate upon such recording.

- d. An approved PUD Plan may not be terminated after development commences except with the approval of the City Council and of all parties in interest in the land.
 - e. Within a period of two (2) years following approval of PUD Step One by the City Council, final plats or site plans for an area embraced within the PUD must be submitted as hereinafter provided. If such plats or plans have not been submitted within the two (2) year period, the City Council may terminate the right to develop the PUD Plan. Extensions may be granted at the discretion of the City Council.
- B. Step Two Review: Submission of Final Plats, Site Plans and Schedule for Completion of the Approved PUD
- 1. Before any permits are issued for any activity within the area of an approved PUD, final plats or site plans for a project area shall be submitted to the Community Development Department for review and recommendation by the Planning Commission and final City Council approval of the following:
 - a. Review and approval of site plans shall comply with Section 1815 as well as this section, except as otherwise modified in the approved plan. Review and approval of plats shall comply with the City of Auburn Hills Subdivision Control Ordinance and other applicable ordinances.
 - b. Before approving of any final plat or plan, the City Council shall determine that:
 - i. All portions of the project area shown upon the approved PUD Plan for use by the public or the residents of lands within the PUD have been committed to such uses in accordance with the PUD Step One approval.
 - ii. The final plats or site plans are in conformance with the Development Agreement and PUD Plan.
 - iii. Provisions have been made within the Development Agreement to provide for the financing of any improvements shown on the final PUD Plan for open spaces and common areas which are to be provided by the applicant and that maintenance of such improvements is assured in accordance with the Development Agreement.
 - 2. Plans for tree removal permit and wetland permit review shall be submitted at the time of PUD Step Two review.
 - 3. If development of approved final plats or site plans is not substantially completed in three (3) years after approval, further final submittals under the approved PUD Plan shall cease until the part in question is completed or cause can be shown for not completing same. Extensions may be granted at the discretion of the City Council.
8. Fees.
Fees for review of PUD Plans under this section shall be established by resolution of the City Council.
9. Interpretation of Approval.
Approval of a PUD Plan under this section shall be considered an optional method of development and improvement of property subject to the mutual agreement of the City Council and the applicant. The Zoning Board of Appeals shall have no jurisdiction to hear appeals or make interpretations or any decisions regarding a project reviewed under this section.
10. Amendments to PUD Plan.
Proposed amendments or changes to an approved PUD Plan shall be submitted to the Planning Commission as outlined in the Development Agreement. The Planning Commission shall determine whether the proposed modification is of such minor nature as not to violate the area and density requirements or to affect the overall character of the plan, and in such event may approve or deny the proposed amendment. If the Planning Commission determines the proposed amendment is material in nature, the amendment shall be reviewed by the Planning

Commission and City Council in accordance with the provisions and procedures of this section as they relate to final approval of the PUD.

(Amended: 5-15-00 per Ordinance No. 661)
(Amended: 8-27-01 per Ordinance No. 685)
(Amended: 12-15-09 per Ordinance No. 824)
(Amended: 2-27-17 per Ordinance No. 887)

SECTION 1832. WIRELESS COMMUNICATION FACILITIES

Wireless communication facilities shall meet the following standards and requirements:

- A. The facilities shall not be demonstrably injurious to the adjacent area or otherwise detrimental to the public health, safety and welfare.
- B. The applicant shall demonstrate the need for the proposed facilities to be located as proposed based upon the presence of one or more of the following factors:
 1. Proximity to an interstate or major thoroughfare.
 2. Areas of population concentration.
 3. Concentration of commercial, industrial, and/or other business centers.
 4. Areas where signal interference has occurred due to tall buildings, masses of trees or other obstructions.
 5. Other specifically identified reason creating facility need.
 6. Topography.
- C. The facility shall be located and designed to be harmonious with the surrounding area. Equipment shelters shall be screened with staggered 8 ft. evergreen trees.
- D. Wireless communication facilities shall be of a design such as a monopole, steeple, bell tower, or other form which is compatible with the existing character of the proposed site and general area as approved by the City.
- E. All wireless communication facilities shall comply with applicable federal and state standards relative to electromagnetic fields.
- F. The applicant shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
- G. The following additional standards shall be met:
 1. The maximum height of the support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to co-locate on the structure).
 2. Where the proposed support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of the structure and accessory structures shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located.
 3. There shall be unobstructed access to the support structure, which may be provided through an easement. This access is necessary for maintenance of the facility and will have a width and location determined by such factors as: the location of adjacent thoroughfares, and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.
 4. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
 5. The Planning Commission shall, with respect to the color of the support structure and all accessory buildings, review and recommend so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surrounding structures. It shall be the responsibility of the applicants to maintain the wireless communication facility in a neat and orderly condition.
 6. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer licensed in the State of Michigan. This soils report shall include soil borings and statements indicating the suitability of soil conditions for the proposed use. The requirements of the

- Federal Aviation Administration, Federal Communications Commission and Michigan Aeronautics Commission shall be noted.
7. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility.
 8. The proposal shall be reviewed in conformity with the co-location requirements below.
 9. The application shall include a Certification by a State of Michigan Registered Engineer of the applicant with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
 10. The application shall include a description of security to be posted at the time of receiving a Building Permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in Paragraph H below. In this regard, the security shall, at the election of the applicant, be in the form of: (1) cash, (2) surety bond, (3) letter of credit, or (4) an agreement in a form approved by the attorney for the City and recordable at the Office of the Register of Deeds, establishing a promise of the applicant and owner of the property to timely remove the facility as required under this section of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney fees incurred by the City in securing removal.
- H. Co-location shall be deemed to be "feasible" for purposes of this section where all of the following are met:
1. The provider entity being considered for co-location will undertake to pay market rent or other market compensation for co-location.
 2. The site on which co-location is being considered, including reasonable modification or replacement of a facility, is able to provide structural support.
 3. The co-location being considered is technologically reasonable, e.g. the co-location will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
 4. The height of the structure necessary for co-location will not be increased beyond a point deemed to be permissible by the City.
- I. Requirements for co-location shall be met as follows:
1. A Special Land Use Permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible co-location is not available for the coverage area and capacity needs.
 2. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate co-location.
 3. If a party who owns or otherwise controls a facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible co-location, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
 4. If a party who owns or otherwise controls a facility shall fail or refuse to permit a feasible co-location, and this requires the construction and/or use of a new facility, the party failing or refusing to permit a feasible co-location shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the City and, consequently, such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the City for a period of five (5) years from the date of the failure or refusal to permit the co-location, unless such party shall seek and obtain a variance from the Zoning Board of Appeals upon a showing that a new facility is clearly necessary in order to operate the respective communication system, considering all feasible alternatives.
- J. Removal requirements shall be as follows:
1. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners when the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations

(transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.

2. The situations in which removal of a facility is required, as set forth in Paragraph 1 above, may be applied and limited to portions of a facility.
3. When a facility has not been used for one hundred eighty (180) days, the property owner or persons who had used the facility shall immediately notify the Community Development Department, apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the condition which existed prior to the construction of the facility.
4. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the City may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the facility.

K. Administrative Review

1. Co-location of antennae placed upon a building, structure or an existing wireless communication facility (tower or monopole), within those zoning districts said use is permitted, and where an existing antennae has been authorized, may be reviewed and approved administratively by the Community Development Director, provided that the criteria of this section are met. In addition, antennas shall be painted to be integral with the structure and equipment shall be screened from view.

(Amended: 7-11-05 per Ordinance No. 755)

(Amended: 11-11-02 per Ordinance No. 711)

SECTION 1833. CITIZEN PARTICIPATION REQUIREMENTS

The intent of this section is to: 1) ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community; 2) ensure that interested citizens have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process; and 3) facilitate ongoing communication between the applicant and interested citizens throughout the application review process. The requirements outlined in this Section shall apply in addition to any notice provisions required elsewhere in this Ordinance.

The citizen participation requirement is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision making.

Whenever in this Ordinance a rezoning, special land use permit, site plan, or planned unit development is proposed on property within one thousand (1,000) feet of property zoned R-1A, R-1B, R-1C, R-1, R-2, R-3, and R-4 One-Family Residential district, the following requirements shall be met:

1. **Step One: Advance Notification of the Proposal**

The applicant shall provide written notification of their proposal via first class mail to property owners and occupants within one thousand (1,000) feet of the subject property and other interested parties who have requested notification of said proposal using mailing labels provided by the Community Development Department. Examples of letters written by past applicants are available for reference. The applicant shall review the content of their letter with the Community Development Department prior to distribution. The letter shall be mailed at least twenty-one (21) days prior to the public meeting.

If contact is made regarding a proposal, an applicant shall consult and may elect to meet with the interested person(s) prior to the public meeting. The applicant shall consult with the Community Development Department prior to scheduling the meeting.

2. Step Two: Citizen Participation Report

The applicant shall provide a written report to the Community Development Department stating the results of their citizen participation effort no later than seven (7) days prior to the public meeting. This report will be attached to the informational packet provided to the Planning Commission and City Council. At a minimum, the citizen participation report shall include the following information:

- A. Details of techniques the applicant used to involve the public, including:
 1. The date the letter was mailed, how many letters were mailed, and who responded to the letter.
 2. If contact is made with an interested person, provide the date and nature of communication.
 3. If an informational meeting is conducted, provide the date and location of the meeting and who attended.
- B. A summary of concerns, issues, and problems expressed during the process, including:
 1. The substance of the concerns, issues, and problems.
 2. How the applicant has addressed or intends to address concerns, issues, and problems expressed during the process.
 3. Concerns, issues, and problems the applicant is unwilling or unable to address and why.

*(Added: 1-06-03 per Ordinance No. 714)
(Amended: 3-03-03 per Ordinance No. 720)
(Amended: 8-04-08 per Ordinance No. 809)*

SECTION 1834. ELECTRIC VEHICLE INFRASTRUCTURE1. Intent.

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

2. Definitions:

For the purposes of this Section, the following definitions shall apply.

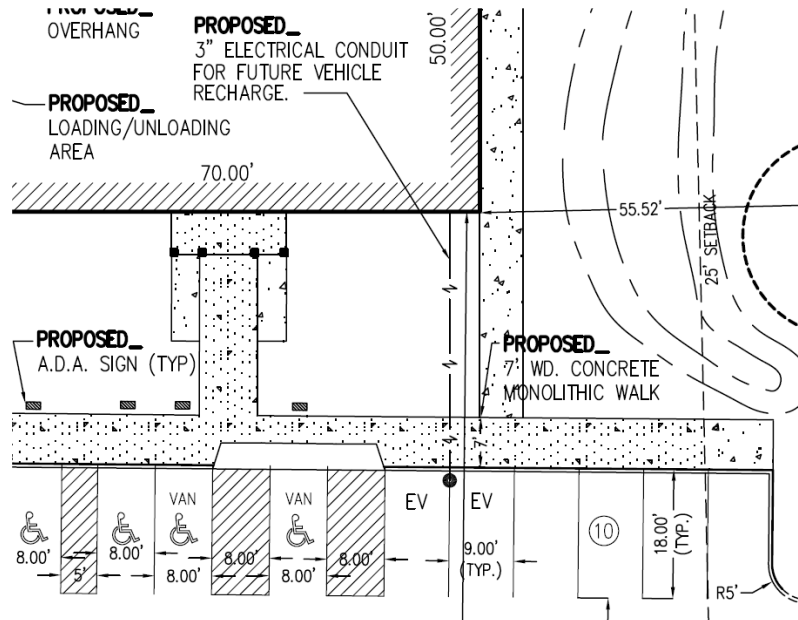
- A. Accessible electric vehicle charging station means an electric vehicle charging station where the battery charging station is located within accessible reach of a barrier-free access aisle and the electric vehicle.
- B. Battery charging station means an electrical component assembly or cluster of 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 batteries, and produces zero tailpipe 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 including the range from 0 through 120.
 2. Level-2 is considered medium charging. Voltage is greater than 120 and includes 240.
 3. Level-3 is considered fast or rapid charging. Voltage is greater than 240.
- F. Electric vehicle means any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; either partially or exclusively, on electrical energy from the grid, or 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.
- G. 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. An electric vehicle charging station equipped with Level-1 or Level-2 charging equipment is permitted outright as an accessory use to any principal use.
- H. Electric vehicle charging station – private restricted use means an electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, executive

- parking, designated employee parking) or (2) publicly owned and restricted (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 publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking) or (2) privately owned and available to visitors of the use (e.g., shopping center parking).
 - J. Electric vehicle infrastructure means 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 marked parking space 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 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 sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.
3. 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 one-family, multiple-family, and mobile home park dwellings shall be designated as private restricted use only. Installation shall be subject to permit approval administered by the Community Development Department.
 - B. Level-3 electric vehicle charging stations are permitted in the B-2, T&R, I-1, and I-2 districts, when accessory to the primary permitted use. Installation shall be subject to permit approval administered by the Community Development Department.
 - 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 subject to Special Land Use approval and located in zoning districts which permit gasoline service stations.
 4. Readiness Recommendations
 - A. Residential
 In order to proactively plan for and accommodate the anticipated future growth in market demand for electric vehicles, it is strongly encouraged, but not required, that all new one-family and multiple-family homes with garages be constructed to provide a 220-240-volt / 40 amp outlet on a dedicated circuit and in close proximity to designated vehicle parking to accommodate the potential future hardwire installation of a Level-2 electric vehicle charging station.
Commentary: Industry experts have advised the City of Auburn Hills that 60% to 70% of electric vehicle charging will occur at the owner's home at night. Retrofitting a home for electric vehicle charging is considerably more expensive than the cost of including the capacity at the time of construction. To minimize the unnecessary cost to retrofit a home, the City considers electric vehicle readiness in new home construction a high priority.
 - B. Non-Residential
 In order to proactively plan for and accommodate the anticipated future growth in market demand for electric vehicles, it is strongly encouraged, but not required, that all new and expanded non-residential development parking areas provide the electrical capacity necessary to accommodate the future hardwire installation of Level-2 electric vehicle charging stations. It is recommended that a typical parking lot (e.g., 1,000 or less parking spaces) have a minimum ratio of 2% percent of the total parking spaces be prepared for such stations.

It is noted and understood that large-sized parking areas (e.g., Chrysler Group, LLC Headquarters, Great Lakes Crossing Outlets, The Palace of Auburn Hills, Oakland

University, etc.) may require less electric vehicle charging stations than recommended above to accommodate the anticipated market demand.

Commentary: If the property owner decides not to install the battery charging stations at the time of initial construction, this approach allows for the stations to be installed in the future without costly or cost-prohibitive retrofits. The intent of this subsection is encourage sites to be “roughed-in” with the installation of electrical stubs at planned electric vehicle charging station locations and conduit run from the power source to the station location to support future installation.



Example Site Plan - “Rough-In” of Electric Vehicle Charging Stations

6. General Requirements for Multi-Family Residential and Non-Residential Development

A. Parking

1. An electric vehicle charging station space may be included in the calculation for minimum required parking spaces required in accordance with Section 1804.
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 Spaces

It is strongly encouraged, but not required, that a minimum of one (1) accessible electric vehicle charging station be provided. 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. It is not necessary to designate the accessible electric vehicle charging station exclusively for the use of disabled persons.

C. Lighting

Site lighting shall be provided where an electric vehicle charging station is installed, unless charging is for daytime purposes only.

D. Equipment Standards and Protection

1. Battery charging station outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the surface where mounted. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located as to not 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

setback a minimum of 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 the property owner pursuant to Chapter 70. Traffic and Vehicles, Article III. Uniform Traffic Code of the Auburn Hills City Code.
- 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 when it is not functioning or other problems are encountered.

(Added: 7-11-11 per Ordinance No. 836)

SECTION 1835. OIL AND GAS WELLS

The drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes shall only be permitted in the I-1, Light Industrial, I-2, General Industrial, and I-3, Heavy Industrial districts subject to the terms and conditions of this section and shall not be permitted in any other districts. Further, hydraulic fracturing and/or fracking shall be expressly prohibited within the City.

1. Application. The petitioner shall file an application with the City describing the proposed location and activities. No drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes shall occur until the Community Development Department has issued a permit.
2. Compliance with Laws and Permit Issuance. The drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes shall be done in conformity with all State and Federal laws, statutes, rules, and regulations pertaining thereto and particularly with the State of Michigan and the regulations of its Supervisor of Wells. This shall include obtaining the required permit from the Supervisor of Wells, which permit shall be provided to the City before the City issues a permit under this section. Conformance with State and Federal laws, statutes, rules, and regulations including obtaining the required permit from the Supervisor of Wells shall also apply to, but are not limited to, the plugging of wells and all material used and work done in connection with the exploring for, producing, marketing, and transporting of petroleum products as well as the disposition and removal of any byproducts utilized and associated with said activities.
3. Associated Permits and Approvals. The permit required by this section for the drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes is in addition to and are not in lieu of any permit or plan which may be required by any other provision of this Zoning Ordinance, Auburn Hills City Code, Building and Fire Codes, or by any other governmental agency, unless expressly outlined.
4. Spacing and Well Setbacks. In addition to the spacing and setback requirements of the State of Michigan and the regulations of its Supervisor of Wells, the drilling, completion, or operation of oil or gas wells shall not be located within 1,000 feet of a residential zoned building used for the purposes of residing in, religious institution, public or private school, child care facility, or hospital. The measurement of the setback shall be made from the center of the wellhead in a straight line, without regard to intervening structures or objects, to the closest exterior point of the adjacent building. This section shall not be construed to prohibit directional or horizontal drilling under said property where lawfully permitted by the Michigan Department of Environmental Quality (MDEQ). The edge of the well pad site shall meet the minimum building setback requirements of the district or Building and Fire Codes, whichever is greater.

5. Height. The completed wellhead structure shall not exceed twenty-two (22) feet in height. The temporary drilling derrick/rig shall not exceed one-hundred and ten (110) feet in height.
6. Landscaping. Staggered twelve (12) foot tall evergreen trees shall be placed around the perimeter of the well site with a minimum landscape greenbelt buffer of twenty-five (25) feet in depth within thirty (30) days of the removal of the temporary drilling derrick/rig. The landscape buffer and trees shall be irrigated and maintained.
7. Lighting. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally in compliance with Section 1810. Exterior Lighting.
8. Nuisance Mitigation. The drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes shall comply with Section 1807. Performance Standards. Those standards address potential nuisances such as noise, smoke, dust, open storage, fire and explosive hazards, odors, wastes, and vibration. Due to the unique nature of this type of operation the following additional information and standards will be required.
 - A. Noise. Prior to the issuance of a permit and the commencement of operations, the petitioner shall submit a noise management plan, as approved by the City, detailing how the equipment used in the drilling, completion, transportation, or production of a well complies with the maximum permissible noise levels of the Zoning Ordinance. The operator shall be responsible for verifying compliance with this section and the noise management plan after the installation of the noise generating equipment. The noise management plan shall include:
 1. Identify operation noise impacts.
 2. Provide documentation establishing the ambient noise level prior to construction.
 3. Detail how the impacts will be mitigated. In determining noise mitigation, specific site characteristics shall be considered, including but not limited to the following:
 - a. Nature and proximity of adjacent development, location, and type
 - b. Seasonal and prevailing weather patterns, including wind directions
 - c. Vegetative cover on or adjacent to the site
 - d. Topography
 - B. Dust, Vibration, and Odors. All operations shall be conducted in such a manner as to minimize, so far as practicable, dust, vibration, or noxious odors, and shall be in accordance with the best accepted practices defined by the Michigan Department of Environmental Quality (MDEQ) for the production of oil, gas and other hydrocarbon substances in urban areas. All equipment used shall be constructed and operated so that vibrations, dust, odor or other harmful or annoying substances or effect will be minimized by the operations carried on at any drilling or production site or from anything incidental thereto, and to minimize the annoyance of persons living or working in the vicinity; nor shall the site or structures thereon be permitted to become dilapidated, unsightly, or unsafe.
 - C. Vehicle Routes for Truck Traffic. Construction vehicles and trucks, excluding pick-up trucks, associated with drilling and/or production operations shall be restricted to Class A roads designated by the City Department of Public Works.
 - D. Emergency Response Plan. Pursuant to State and Federal law, the operator shall provide any information necessary to assist the City Emergency Services Department with an emergency response plan and hazardous materials survey establishing written procedures to minimize any hazard resulting from the operation.
9. Permitted Construction Activity Hours. Construction activities associated with establishing of the wellhead shall be eligible for an exception by the City Manager in accordance with the City's Hours of Construction Activity Ordinance provided such activities are in compliance with applicable laws and permits.
10. Inspection. The Building Official, and any other designee of the City Manager, shall have the right and privilege at any time to enter upon the premises covered by any permit issued pursuant to this section for the purpose of making inspections thereof to determine if the requirements of this section are complied with or the requirements of any other code or ordinance of the City are met.

11. Operator Information and Incident Reporting. The operator shall notify the City of the following:
 - A. Any changes to the name, address, and phone number of the operator within five (5) working days after the change occurs.
 - B. Any changes to the name, address, and phone number of the person(s) designated to receive notices from the City within five (5) working days after the change occurs.
 - C. Any "incident reports" or written complaints submitted to the Michigan Department of Environmental Quality (MDEQ), the Supervisor of Wells, or other regulating agency within thirty (30) days after the operator has notice of the existence of such reports or complaints.
12. Injection wells. Injection wells used for brine disposal or other chemicals from production wells or from other sources shall be expressly prohibited within the City.
13. Pipelines. No operator shall excavate or construct any lines for the conveyance of fuel, water, oil, gas or petroleum liquids on, under, or through the streets, alleys or other properties owned by the City without an easement or right-of-way license from the City.
14. Oil and Gas Processing Facilities. Associated processing facilities that separate oil, gas, and brine and hold said products for transport off-site for further refinement and processing shall only be permitted as a Special Land Use Permit in the I-2, General Industrial and I-3, Heavy Industrial districts.
15. Cash Bond. The petitioner shall deposit a cash bond with the Community Development Department in the amount of \$25,000 per well to ensure faithful completion of required improvements and remediation of potential damage to road and infrastructure resulting in oil and gas drilling and related activities.
16. Restitution. When the City's Emergency Services Department or any persons authorized to enforce this section and or any sections of the Auburn Hills City Code addressing oil and gas drilling and related activities are called to respond to any emergency or incident which was the result of a violation of federal, state or local regulation governing and/or pertaining to oil and gas drilling and/or related activities, or from negligence, the responsible person or entity shall reimburse the City of Auburn Hills for all costs incurred as a result of responding to and addressing the emergency or incident.

*(Added: 4-21-14 per Ordinance No. 859)
(Amended: 9-08-14 per Ordinance No. 860)*

space reserved – see next page

SECTION 1836. UNIVERSAL DESIGN AND VISITABILITY

The intent of this section is to strongly encourage, but not require, the implementation of universal design elements and features in new homes where feasible.

Universal design elements and features can be seamlessly integrated into the construction of a new home so that it is functionally accessible for people of all ages and abilities. The goal is to discretely remove the physical barriers that are often found in traditional home design, that limit people with short or long term disabilities (living within or visiting), without making the home look institutional or aesthetically unappealing.

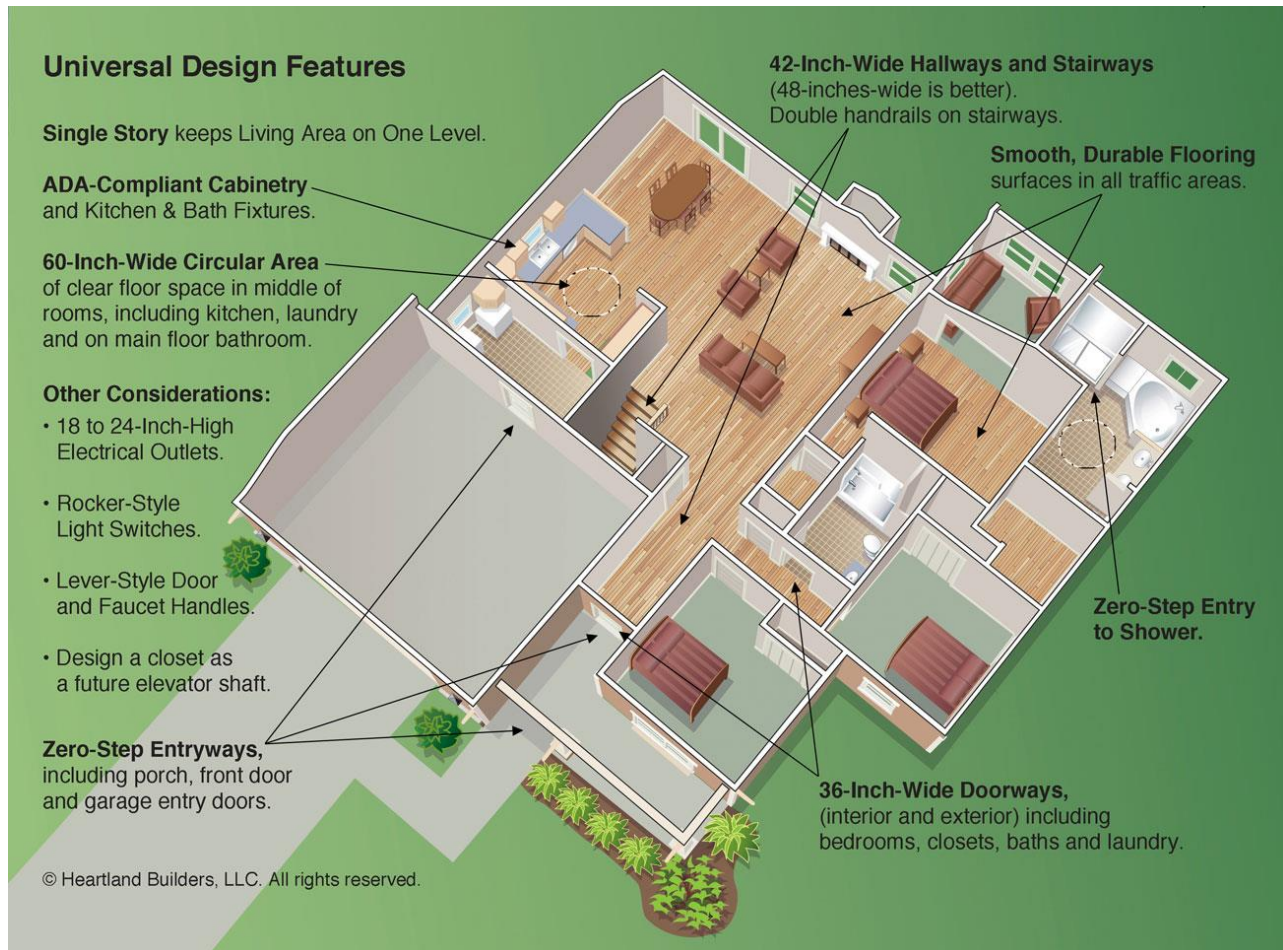
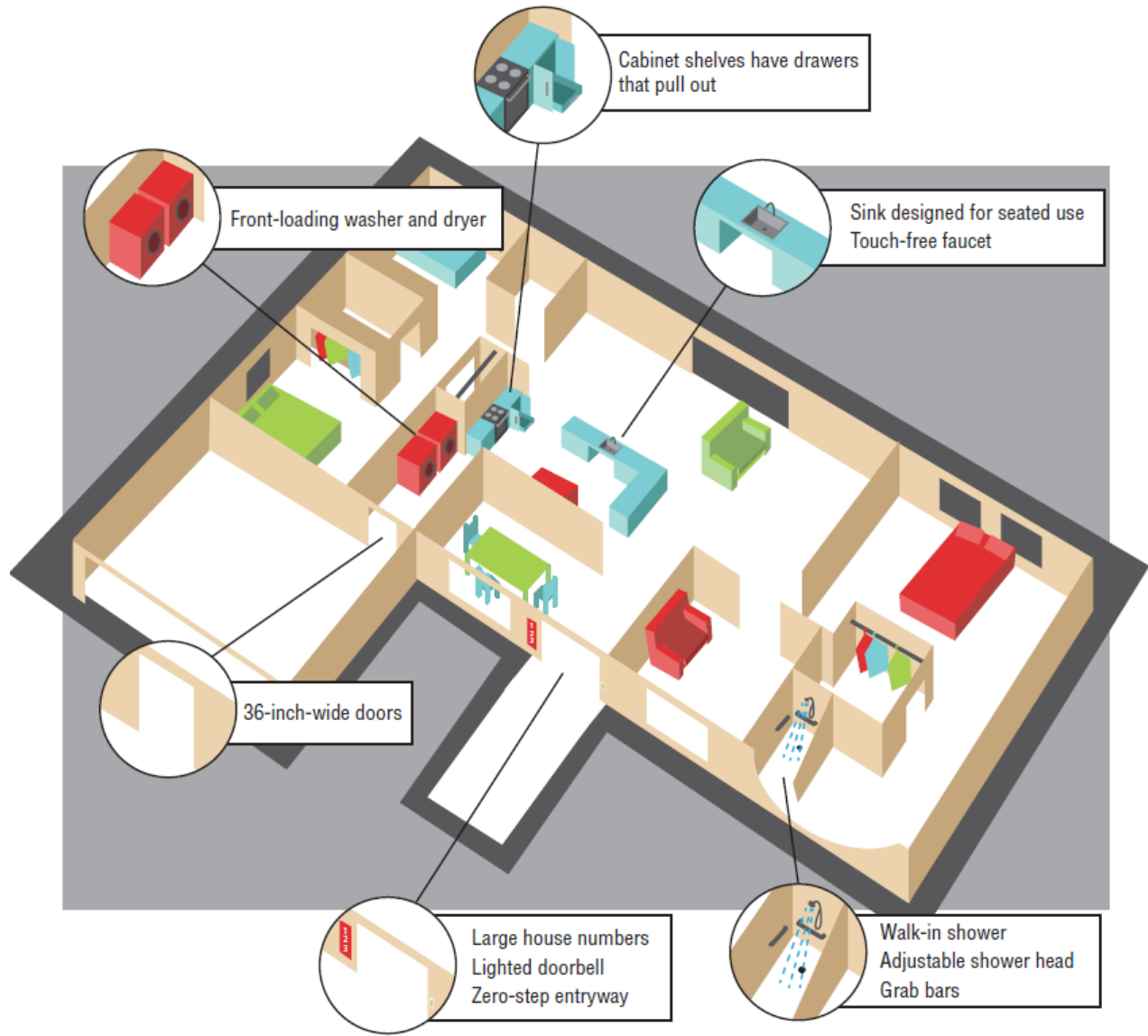


Illustration #1 of Universal Design Elements and Features

Used with permission from Heartland Builders, LLC

AARP and many disability advocates encourage home builders to utilize universal design elements and features as they enable people to “age in place” and remain in their homes throughout their lifespan, even as their needs change over time.

The City recognizes that in some cases it may be cost-prohibitive to retrofit an existing home to remove the physical barriers that prevent a person or family from remaining in their home as they age. Thus, this initiative is a priority of the City, as outlined in its Age-Friendly Action Plan, to raise awareness that such expenses can be significantly reduced when considered early in the design stage and subsequently incorporated into the initial construction cost of a home.



Arkansas Democrat-Gazette/NIKKI DAWES

Illustration #2 of Universal Design Elements and Features

Used with permission from Nikki Dawes

As an incentive for developers to incorporate universal design elements and features into their development proposals, the City offers streamlined permitting and eligibility for consideration of zoning flexibility via the Planned Unit Development Option as outlined in Section 1830.

To be considered for Planned Unit Development Option eligibility, 75% or more of the homes in a proposed development must include the following minimum universal design elements and features:

1. Zero-step front door entryway
2. First floor master bedroom and bathroom with zero-step entry to shower
3. 36-inch wide doorways and 42-inch wide hallways
4. 60-inch wide maneuvering radius in the kitchen and bathrooms
5. First floor laundry room

(Added: 2-27-17 per Ordinance No. 886)

ARTICLE XIX

GENERAL INTREPRETATIONS AND EXCEPTIONS

SECTION 1900. AREA, HEIGHT AND USE EXCEPTIONS:

The regulations in this Ordinance shall be subject to the following interpretation and exceptions:

1. Essential Services:
Essential services shall be permitted as authorized and regulated by law and other Ordinances of the City of Auburn Hills, it being the intention hereof to exempt such essential services from the application of this Ordinance.
2. Voting Place:
The provisions of this Ordinance shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a City or other public election.
3. Height Limit:
The height limitations contained in the Schedule of Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
4. Lots Adjoining Alleys:
In calculating the area of a lot that adjoins a dedicated alley or lane, for the purpose of applying lot area requirements of this Ordinance, one-half (1/2) the width of such alley abutting the lot shall be considered as part of such lot.
5. Yard Regulations:
When yard regulations cannot reasonably be complied with, as in the case of a planned development in the multiple family district, or where application cannot be determined on lots existing and of record at the time this Ordinance became effective, and on lots of peculiar shape, topography, or due to architectural or site arrangement, such regulations may be modified or determined by the Board of Appeals by the granting of a variance.
6. Multiple Dwelling Side Yard:
For the purpose of side yard regulations, a two (2) family or a multiple dwelling shall be considered as one (1) building occupying one (1) lot.
7. Terrace:
An open, unenclosed paved terrace may project into a required front yard for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies or parking.
8. Projections into Yards:
Attached architectural features may extend into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard, and may extend or project into a required front yard or rear yard not more than three (3) feet. Architectural features shall not include those details which are normally demountable.

SECTION 1901. ACCESS THROUGH YARDS:

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace, or other pavement servicing the like function, and not in excess of nine (9) inches above grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure, and shall be permitted in any required yards.

SECTION 1902. CORNER AND OTHER DRIVER VISIBILITY CLEARANCE:

No fence, wall, shrubbery, sign, or other obstruction to vision above a height of thirty (30) inches from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

SECTION 1903. BASEMENT RESIDENCY:

Basement residency is expressly prohibited in the City of Auburn Hills.

SECTION 1904. FENCES, HEDGES, BERMS, AND WALLS IN RESIDENTIAL DISTRICTS:

1. Front Yard. Opaque fences, hedges, berms, or walls not more than two and one-half (2½) feet in height and non-opaque fences not more than four (4) feet in height may be constructed within a required front yard, e.g., along the property line.
2. Rear and Side Yard. Fences, hedges, berms, or walls of not more than six (6) feet in height, either opaque or non-opaque, may be constructed in residential districts within a required rear or side yard.
3. Visual Clearance Triangle. No fence, hedge, berm, or wall may be permitted within the triangle area located at a corner or intersection that is required for proper visibility from a motorized vehicle or by a pedestrian as defined in Section 1902.
4. Height Measurement. Height shall be determined by measuring the vertical distance from the average surrounding grade, not including a berm, to the highest point of a fence, hedge, berm, or wall. A berm may be used in combination with a fence, hedge, or wall provided the highest point of the combination does not exceed the height permitted in this Section.

(Amended: 12-18-06 per Ordinance No. 794)

SECTION 1905. BUILDING MECHANICAL EQUIPMENT:

For all uses, except residential uses, heating, ventilation and air conditioning mechanical equipment located on the exterior of the building(s) shall be screened from adjacent public or private streets and adjacent properties. If the equipment is mounted on the building, it shall be screened at least the height of the equipment in a manner that is architecturally compatible with the building design. If the equipment is ground-mounted, it shall be screened in a similar manner and/or with evergreen plant materials. The method of screening shall be approved by the City Council or official approving the site plan.

Other types of mechanical equipment located on the exterior of the building such as dust collectors, hoppers, stacks, and similar equipment, that cannot reasonably be screened, shall be designed, located and/or painted to minimize any adverse visual impact.

SECTION 1906. ESSENTIAL SERVICES AND QUASI-PUBLIC FACILITIES:

For essential services and quasi-public services such as substations, communication towers, monopoles and the like, where strict adherence to the requirements of Section 1815, Site Plan Review may pose a hardship or practical difficulty to development or continued services, the Building Department Manager may waive paved parking and drives, loading and unloading areas, with the inclusion of screening landscaping, and the Building Department Manager may waive a full site plan and require only a schematic site plan. The Planning Commission shall be notified of any such occurrence.

In addition, wireless communication facilities may be allowed on City property, except for all City park property, exclusive of the Civic Center park property, in any zoning district in accordance with the following standards and requirements:

- A. The facilities shall not be demonstrably injurious to the adjacent area or otherwise detrimental to the public health, safety and welfare.
- B. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:
 1. Proximity to an interstate or major thoroughfare.
 2. Areas of population concentration.
 3. Concentration of commercial, industrial and/or other business center.
 4. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
 5. Other specifically identified reasons creating facility needs.
 6. Topography.
- C. The facility shall be located and designed to be harmonious with the surrounding area. .

- D. Wireless communication facilities shall be of a design such as a monopole, steeple, bell tower, or other form which is compatible with the existing character of the proposed site and general area as approved by the City.
- E. All wireless communication facilities shall comply with applicable federal and state standards relative to electromagnetic fields.
- F. The applicant shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
- G. The following additional standards shall be met:
1. The maximum height of the support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to co-locate on the structure).
 2. The minimum setback of the proposed support structure and accessory structures shall be in accordance with the required setbacks for main or principal buildings as provided in the Schedule of Regulations for the zoning district in which the support structure is located.
 3. There shall be unobstructed access to the support structure, which may be provided through an easement. This access is necessary for maintenance of the facility and will have a width and location determined by such factors as: the location of adjacent thoroughfares, and traffic and circulation within the site; utilities needed to service the tower or pole and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.
 4. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
 5. The Planning Commission shall, with respect to the color of the support structure and all accessory buildings, review and recommend so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surrounding structures. It shall be the responsibility of the applicants to maintain the wireless communication facility in a neat and orderly condition.
 6. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer licensed in the State of Michigan. This soils report shall include soil borings and statements indicating the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communications Commission and Michigan Aeronautics Commission shall be noted.
 7. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility.
 8. The proposal shall be reviewed in conformity with the co-location requirements below.
 9. Landscaping shall be provided in accordance with Section 1808.
 10. The application shall include a Certification by a State of Michigan Registered Engineer of the applicant with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
 11. The application shall include a description of security to be posted at the time of receiving a Building Permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in Paragraph H below. In this regard, the security shall, at the election of the applicant, be in the form of: (1) cash, (2) surety bond, (3) letter of credit, or (4) an agreement in a form approved by the attorney for the City and recordable at the Office of the Register of Deeds, establishing a promise of the applicant and owner of the property to timely remove the facility as required under this section of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney fees incurred by the City in securing removal.
- H. Co-location shall be deemed to be "feasible" for purposes of this section where all of the following are met:

1. The provider entity being considered for co-location will undertake to pay market rent or other market compensation for co-location.
 2. The site on which co-location is being considered, including reasonable modification or replacement of a facility, is able to provide structural support.
 3. The co-location being considered is technologically reasonable, e.g. the co-location will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
 4. The height of the structure necessary for co-location will not be increased beyond a point deemed to be permissible by the City.
- I. Requirements for co-location shall be met as follows:
1. A Special Land Use Permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible co-location is not available for the coverage area and capacity needs.
 2. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate co-location.
 3. If a party who owns or otherwise controls a facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible co-location, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
 4. If a party who owns or otherwise controls a facility shall fail or refuse to permit a feasible co-location, and this requires the construction and/or use of a new facility, the party failing or refusing to permit a feasible co-location shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the City and, consequently, such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the City for a period of five (5) years from the date of the failure or refusal to permit the co-location, unless such party shall seek and obtain a variance from the Zoning Board of Appeals upon a showing that a new facility is clearly necessary in order to operate the respective communication system, considering all feasible alternatives.
- J. Removal requirements shall be as follows:
1. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners when the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
 2. The situations in which removal of a facility is required, as set forth in Paragraph 1 above, may be applied and limited to portions of a facility.
 3. When a facility has not been used for one hundred eighty (180) days, the property owner or persons who had used the facility shall immediately notify the City Building Department, apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the condition which existed prior to the construction of the facility.
 4. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, after at least thirty (30) days written notice, the City may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the facility.

SECTION 1907. DUAL USE OF PROPERTY:

Except as otherwise specifically provided herein, no parcel of property may be used for more than one use at a time. An example, but not as a limitation, would be a parcel of property with a residential nonconforming use in a business or industrial district shall not also be used for a business or industrial use.

SECTION 1908. POSTING OF PROPERTY FOR DEVELOPMENT:

It shall be the responsibility of the petitioner to conspicuously post, with a sign as established by resolution of the City Council, any lot or parcel proposed for development with a notice at least fifteen (15) days prior to the scheduled public meeting as outlined in the application for development.

(Amended: 6-16-08 per Ordinance No. 08-808)

ARTICLE XX ADMINISTRATION AND ENFORCEMENT

SECTION 2000. ENFORCEMENT:

The provisions of this Ordinance shall be administered and enforced by the Building Inspector, or by such deputies of his department as the Building Inspector may delegate to enforce the provisions of this Ordinance, who shall be appointed by the City Council for such term and subject to such conditions and at such rate of compensation as said Council shall determine. In the exercise of his duties, the Inspector shall have the right to enter private premises as provided by law.

SECTION 2001. DUTIES OF BUILDING INSPECTOR (ZONING ADMINISTRATOR):

The Building Inspector shall have the power to grant Zoning Compliance and Occupancy Permits, and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Building Inspector to approve any plans or issue any permits or Certificates of Occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform to this Ordinance. The Building Inspector shall not refuse to issue a Permit when conditions imposed by this Ordinance are complied with by the applicant.

SECTION 2002. PLOT PLAN:

The Building Inspector shall require that all applications for Building Permits shall be accompanied by plans and specifications including a plot plan, in duplicate, drawn to scale showing the following:

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

SECTION 2003. PERMITS:

The following shall apply in the issuance of any permit:

1. Permits Not to be Issued:
No building permit shall be issued for the erection, alteration, or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Ordinance.
2. Permits for New Use of Land:
No land heretofore vacant shall hereafter be used for an existing use or land be hereafter changed to a use of a different class or type unless a Certificate of Occupancy is first obtained for the new or different use.
3. Permits Required:
No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless a Building Permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes affecting or regulated by the City Building Code, Housing Law of Michigan, or this Ordinance except for minor repairs or changes not involving any of the aforesaid features.
4. Inspection:
The Building Inspector shall be notified by the person, firm or corporation obtaining the permit when the foundations are completed, and the inspector shall inspect same within three (3) days after notification. If in conformance with the provisions of this Ordinance, the Building Inspector shall endorse such fact upon the Building Permit.
5. Roadside Stands and Markets:
A person may operate a roadside stand or market upon proper application for a temporary permit and approval by the Community Development Department subject to the following provisions:

- A. A permit may only be issued in the B-2 General Business District and shall be subject to the setback requirements of that district.
 - B. A permit for a portable roadside stand or market shall be issued only to the owner(s) or the lessee(s) of the property where the roadside stand or market is to be located. A permit may be issued for a roadside stand or market only for the period from May 1 to October 31 of a calendar year.
 - C. Any structure used for sales shall be portable and shall be removed from the roadside upon expiration of the permit for a roadside stand or market. If the property is undeveloped, any portable structure shall be removed from the property upon expiration of the permit.
 - D. A portable roadside stand or market shall not be located in the dedicated right-of-way of any thoroughfare within the City, and adequate off-street parking and ingress and egress shall be provided and maintained for the roadside stand or market in the ratio of at least one (1) space per one hundred (100) square feet of total floor area of any tent affixed to the ground, plus one (1) per each one (1) employee. In the case of a stand or tent stand a minimum of ten (10) customer parking spaces shall be provided, plus one (1) per each one (1) employee. In no instance shall any roadside stand or market facility provide less than ten (10) off-street parking spaces. Parking shall be provided in accordance with the standards of Section 1804 and Section 1805, except that gravel parking may be provided subject to the petitioner providing a method of dust control. In addition to dust control, gravel parking shall be kept graded level and free of potholes. The overnight parking of delivery trucks of goods and produce is strictly prohibited. A roadside stand or market selling any product that was not grown on the immediate property shall not be located within two hundred (200) feet of a residential dwelling, other than a dwelling on the property on which the roadside stand or market is located.
 - E. Hours of operation shall be limited to 7:00 a.m. through 9:00 p.m.
 - F. Any lighting shall be directed and controlled so as not to become a nuisance to adjacent property owners or motorists. A permit as required by the Community Development Department shall be obtained before any lighting is installed.
 - G. A permit for a portable roadside stand or market shall not be issued unless adequate toilet facilities and washing facilities are available for persons tending the roadside stand or market. Such sanitary facilities shall be in accordance with the requirements and standards of the State of Michigan Department of Public Health, the Oakland County Health Department, and the United States Department of Agriculture.
 - H. One (1) sign located on the premises where the roadside stand or market is located shall be permitted. The sign shall be located on private property outside of the public right-of-way and shall be limited to six (6) feet in height and twelve (12) square feet in area. The sign shall be removed from the premises when the activity ceases or when the permit expires.
 - I. A roadside stand or market shall at all times be kept and maintained in a clean, sanitary and orderly manner, and all structures, including, but not limited to, the stand itself, awnings, roofs and/or any attachments shall be properly maintained and kept in a state of proper repair.
6. Holiday Lot Sales:
A person may operate a lot to sell pumpkins and/or Christmas trees upon proper application for a temporary permit and approval by the Community Development Department subject to the following provisions:
- A. Except as provided in Subsection (1) below, the City shall only issue permits for premises in the B-2 General Business District. All permits shall only be issued to the owner(s) or the lessee(s) of the property where the sales lot is to be located.
 - (1) Non-Profit Organization Exception: A permit may be issued in any zoning district to any non-profit fraternal, benevolent, patriotic, charitable, civic, or religious organization provided the lot operates at its principal office and/or meeting place within the City.
 - B. The portion of the parcel being utilized for the sales lot shall meet the setback requirements of the zoning district.

- C. A pumpkin sales lot shall not engage in the sale of any merchandise not directly associated with pumpkins and associated Halloween decorations. Pumpkins sales shall be the primary merchandise offered for sale.
- D. A Christmas tree sales lot shall not engage in the sale of any merchandise not directly associated with Christmas trees and associated Christmas decorations. Christmas trees shall be the primary merchandise offered for sale.
- E. Dates of operation - establishing and dismantling lots.
- (1) A pumpkin sales lot shall only operate between October 15th and October 31st of each year. The lot may be assembled up to ten (10) days prior to October 15th and must be dismantled and cleaned by November 1st.
 - (2) A Christmas tree lot shall only operate on and between Thanksgiving Day (fourth Thursday of November) and December 25th of each year. The lot may be assembled up to ten (10) days prior to Thanksgiving Day (fourth Thursday of November) and must be dismantled and cleaned no later than January 1st.
 - (3) Upon the disassembling of a pumpkin sales lot and/or a Christmas tree lot, the property on which it is located shall be thoroughly cleaned and cleared of any and all pumpkins, straw, trees and tree remnants, trash, and any other waste material to the satisfaction of the Building Official.
 - (4) When a joint permit has been issued by the Community Development Department to operate a pumpkin sales lot and a Christmas tree lot consecutively on the same real property, temporary structures and amenities may remain on site provided other provisions of Subsection E (1-3) above are met.
- F. All lot operations shall be subject to requirements of Section 2003.5(C-I) – Roadside Stands and Markets, except that operations permitted to any non-profit fraternal, benevolent, patriotic, charitable, civic, or religious organization may be located with two hundred (200) feet of a residential dwelling.
- G. The Director of Community Development reserves the right to forward a temporary permit application to the City Council for public hearing and formal review based on the location, type, or size of facility.

(Amended: 8-01-05 per Ordinance No. 756)
(Amended: 6-04-07 per Ordinance No. 801)
(Amended: 9-10-12 per Ordinance 12-851)
(Amended: 2-04-13 per Ordinance No. 13-853)

SECTION 2004. CERTIFICATES:

No land, building or part thereof, shall be occupied by or for any use for which a Building Permit is required by this Ordinance unless and until a Certificate of Occupancy shall have been issued for such use. The following shall apply in the issuance of any Certificate:

1. Certificates Not to be Issued: No Certificate of Occupancy pursuant to the Building Code of the City of Auburn Hills shall be issued for any building, structure or part thereof or for the use of any land, which is not in accordance with all the provisions of this Ordinance.
2. Certificate Required: No building or structure, or parts thereof, which is hereafter erected or altered, shall be occupied or used or the same caused to be done, unless and until a Certificate of Occupancy shall have been issued for such building or structure.
3. Certificates Including Zoning: Certificates of Occupancy, as required by the Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings, or structures, shall also constitute Certificates of Occupancy as required by this Ordinance.
4. Certificates for Existing Buildings: Certificates of Occupancy may be issued for existing buildings, structures or parts thereof, or existing uses of land if, after inspection, it is found that such building, structures, or parts thereof, and such use of land are in conformity with the provisions of this Ordinance. Certificates of Occupancy may be issued for business buildings in B-1 and B-2 zones existing at the effective date of this Ordinance which change occupancy and which do not provide sufficient parking as required under off-street parking (Section 1804) provided there is no decrease in the number of spaces existing at the effective date of this Ordinance.

5. Temporary Certificates: Nothing in this Ordinance shall prevent the issuance of a Temporary Certificate of Occupancy for a portion of a building or structure in the process of erection or alteration, provided that such Temporary Certificate shall not be effective for a period of time in excess of six (6) months, and provided further that such portion of the building, structure, or premises is in conformity with the provisions of this Ordinance.
6. Records of Certificate: A record of all Certificates issued shall be kept on file in the office of the Building Inspector, and copies shall be furnished upon request to any person having proprietary or tenancy interest in the property involved.
7. Certificates for Dwelling Accessory Buildings: Buildings accessory to a dwelling shall not require separate Certificates of Occupancy but may be included in the Certificate of Occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.
8. Applications for Certificates: Applications for Certificates of Occupancy shall be made in writing to the Building Inspector on forms furnished by the City and such Certificates shall be issued within ten (10) days after receipt or part thereof or the use of land is in accordance with the provisions of this Ordinance. If such Certificate is refused for cause, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid ten (10) day period.

SECTION 2005. FINAL INSPECTION:

The holder of every Building Permit for the construction, erection, alteration, repair, or moving of any building, structure, or part thereof, shall notify the Building Inspector immediately upon the completion of the work authorized by such Permit, for final inspection.

SECTION 2006. FEES:

Applicants for Building Permits required by this Ordinance shall pay to the City Treasurer, at the time application for such permit is made, the fees as established by resolution of the City Council.

SECTION 2007. PERFORMANCE GUARANTEES:

The City shall require that performance guarantees be deposited by applicants with the Community Development Department to assure that site improvements associated with development projects are completed and maintained in accordance with City standards, requirements, and approval conditions.

As used in this Section, site improvements include those features and actions associated with a development project which are considered necessary 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. Site improvements shall include mass grading, roadways, lighting, utilities, pathways, sidewalks, screening, landscaping, driveways, retaining walls, parking lots, drainage, stormwater retention basins, and other similar features. As a reference, City requirements related to record (as-built) plans, easements, grading certificates, maintenance and guarantees bonds for public improvements, ROW bonds, associated City inspection, administrative costs, and other similar items or permits are addressed with the Department of Public Works as outlined in the City's Engineering Standards and other applicable City ordinances and policies.

All performance guarantees shall meet the following requirements:

1. The performance guarantee shall be in the form of a cash deposit, irrevocable bank letter of credit with an evergreen clause, or certified check.
2. The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity or project. The City shall deposit the funds in an account in a financial institution with which the City regularly conducts business.
3. The amount of the performance guarantee shall be sufficient to cover fifty percent (50%) of the total estimated cost of site improvements associated with a project for which site plan or other applicable permit approval is sought, which amount shall be reviewed and approved by the City engineers, plus an administrative fee in an amount established by resolution of the City Council. The total estimated cost shall mean the amount equal to the estimated total cost of materials and labor required to install or construct the improvements. As a reference, Article VIII. Woodlands Preservation of Chapter 34 of the Auburn Hills Code of Ordinances shall apply where a Tree Removal Permit has been issued by the City Council to an applicant that intends to develop a

- subdivision, site condominium, mass grading project, or phased project. In such cases, a cash deposit or irrevocable letter of credit with an evergreen clause for each replacement tree, plus an administrative fee, in an amount established by resolution of the City Council shall be submitted to the Community Development Department.
4. The entire performance guarantee, less the ten percent (10%) detailed in Section 2007(5) below, shall be returned to the applicant upon satisfactory completion of the required improvements within the time limits specified in the Zoning Ordinance, Code of Ordinances, or as outlined in a Development Agreement as applicable. The applicant may request that the performance guarantee be returned as work progresses in reasonable proportion to the ratio of work completed on the required improvements. The applicant is responsible for paying all costs and fees, including all consultant or third-party fees, related to the City's determination of the reasonable proportion of the work completed.
 5. An amount not less than ten percent (10%) of the total performance guarantee shall be retained for at least one (1) year after installing landscape materials to ensure their proper maintenance and replacement, if necessary. This amount shall be released to the applicant upon certification by the Community Development Department that all landscape materials are being maintained in good condition.

Whenever required improvements are not installed or maintained per the standards or time limits of the Zoning Ordinance, Code of Ordinances, or as outlined in a Development Agreement as applicable, the City may complete the necessary improvements itself or by contract with an independent contractor, and assess all costs of completing said improvements, including administrative costs, against the performance guarantee or other surety. Before initiating the completion of said improvements, the City shall notify the owner, applicant, or other individual or firm responsible for installation and maintenance of the required improvements of the City's intent to complete said improvements and the estimated cost of completion.

(Amended: 11-15-21 per Ordinance No. 21-924)

SECTION 2008. INTERPRETATION, PURPOSE AND CONFLICT:

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, morals and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any Ordinance rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Ordinance; nor is it by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such Ordinance or agreements, the provisions of this Ordinance shall control.

SECTION 2009. CHANGES AND AMENDMENTS:

The City Council may, from time to time, on recommendation from the Planning Commission, or on its own motion, or on petition, amend, supplement, modify or change this Ordinance in accordance with the authority of Act 207 of the Public Acts of 1921, as amended. Upon presentation to the City of a petition for amendment of said Ordinance by an owner of real estate to be affected, such petition shall be accompanied by a fee. The amount of such fee shall be used to defray the expense of publishing the required notices and the expense of said Planning Commission.

SECTION 2010. VIOLATIONS:

- A. Any person, persons, firm, or corporation, or anyone acting on behalf of said person, persons, firm, or corporation, who should violate the provisions of this Zoning Ordinance, or who fails to comply with the regulatory measures or permit approvals (including conditions thereon) adopted or granted by the Auburn Hills Zoning Board of Appeals, Auburn Hills Planning Commission, or the Auburn Hills City Council, shall be responsible for a municipal civil infraction, and subject to the penalties, sanctions and procedures set forth in Sections 2010 - 2015 of this Zoning Ordinance.

- B. Uses of land, and dwellings, buildings, or structures, including tents, trailer coaches, and mobile homes, used, erected, altered, raised, or converted in violation of any provision of this Zoning Ordinance, are hereby declared to be a nuisance *per se*. The court may, in addition to the remedies provided above, enter any such judgment, writ or order necessary to enforce or enjoin violation of this Zoning Ordinance.

SECTION 2011. PUBLIC NUISANCE PER SE:

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

SECTION 2012. OWNERS/OCCUPANTS, SEPARATE OFFENSES:

The owner of any building, structure or premises or part thereof and the person or persons in possession of any building, structure or premises or part thereof, where any condition in violation of this Zoning Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation, shall be responsible for a separate offense and upon a determination of responsibility thereof shall be liable for a separate civil infraction.

SECTION 2013. PENALTIES, SANCTIONS AND REMEDIES FOR ZONING ORDINANCE VIOLATION:

- A. Penalties for Municipal Civil Infractions.
1. The following civil fines shall apply in the event of a determination of responsibility for a municipal civil infraction, unless otherwise specifically designated in the text of this Zoning Ordinance:
 - (a) First Offense. The civil fine for a first offense violation shall be in an amount that is set forth for said offense in the Schedule of Fines that is adopted by the 52-3 District Court, plus costs and other sanctions, for each offense.
 - (b) First Repeat Offense. The civil fine for any offense which is a first repeat offense shall be in an amount that is set forth for said offense in the Schedule of Fines that is adopted by the 52-3 District Court, plus costs and other sanctions for each offense.
 - (c) Second Repeat Offense. The civil fine for any offense which is a second repeat offense shall be in an amount that is set forth for said offense in the Schedule of Fines that is adopted by the 52-3 District Court, plus costs and other sanctions for each offense.
 - (d) Third Repeat Offense. For a third repeat offense or subsequent offense, a defendant shall appear before the judge with the civil fine for any offense that is a third repeat offense or subsequent offense to be in an amount that is set forth for said offense in the Schedule of Fines that is adopted by the 52-3 District Court, plus costs and other sanctions for each offense.
 2. In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the judge or magistrate shall be authorized to issue any judgment, writ or order necessary to enforce or enjoin violation of this Zoning Ordinance.
 3. Continuing offense. Each act of violation, and on each day upon which any such violation shall occur, shall constitute a separate offense.
 4. Remedies not exclusive. In addition to any remedies provided for in this Zoning Ordinance, any equitable or other remedies available may be sought.
 5. The judge or magistrate shall also be authorized to impose costs, damages and expenses as provided by law.
- B. A municipal civil infraction shall not be a lesser included offense of a criminal offense or of an ordinance violation which is not a civil infraction.

SECTION 2014. RIGHTS AND REMEDIES ARE CUMULATIVE:

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

SECTION 2015. COMMENCEMENT OF MUNICIPAL CIVIL INFRACTION ACTION:

- A. A municipal civil infraction may be commenced upon the issuance by an authorized official of a municipal civil infraction citation directing the person alleged to be responsible to appear in court.
- B. The form of citations used to charge municipal civil infraction violation shall be in accordance with state law.
- C. The basis for issuance of a municipal civil infraction citation shall be as set forth below:
 - 1. An authorized official who witnesses a person violate the Zoning Ordinance, the violation of which is a municipal civil infraction, shall prepare and subscribe, as soon as possible and as completely as possible, an original and three (3) copies of a citation.
 - 2. An authorized official may issue a citation to a person if, based upon investigation, the official has reasonable cause to believe that a person is responsible for a municipal civil infraction.
 - 3. An authorized official may issue a citation to a person if, based upon investigation of a complaint by someone who allegedly witnessed the person violate the Zoning Ordinance, a violation of which is a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction and if the attorney for the City approves in writing the issuance of the citation.
- D. Municipal civil infraction citations shall be served in the following manner:
 - 1. Except as otherwise provided below, the authorized official shall personally serve a copy of the citation upon the person alleged to be in violation of the ordinance.
 - 2. In a municipal civil infraction action involving the use or occupancy of land or a building or other structure, a copy of the citation need not be personally served upon the person alleged to be in violation of the Zoning Ordinance but may be served upon an owner or occupant of the land, building or structure by posting the copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first class mail to the owner of the land, building or structure at the owner's last known address.
 - 3. A citation served as provided in Paragraph (d)(2), above, shall be processed in the same manner as a citation served personally upon an individual.

SECTION 2016. VARIANCE:

A zoning variance is a modification of the literal provisions of the Zoning Ordinance granted when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are practical difficulties or unnecessary hardships applied to property. A variance is not justified unless at least one (1) of these elements is present in the case.

SECTION 2017. EXCEPTION:

An exception is a use permitted only after review and approval by the City Council of an application, such review being necessary because the provisions of the Ordinance covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation, and such review is required by Ordinance.

SECTION 2018. ZONING COMMISSION:

The City of Auburn Hills Planning Commission is hereby designated as the Commission specified in Section 12, of Act 285 of the Public Acts of 1931, and shall perform the duties of said Commission as provided in the statute in connection with the amendment of this Ordinance. All members of the Planning Commission shall be residents of the City of Auburn Hills.

SECTION 2019. PLANNING COMMISSION APPROVAL:

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

The Planning Commission shall investigate the circumstances of each such case and shall notify such parties, who may in its opinion be affected thereby, as required under its rules or procedures.

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

(Amended: 8-09-04 per Ordinance No. 740)

ARTICLE XXI ZONING BOARD OF APPEALS

SECTION 2100. CREATION AND MEMBERSHIP:

There is hereby established a Zoning Board of Appeals, hereinafter called the "Board", which shall perform its duties and exercise its powers as provided in Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety and welfare secured and substantial justice done.

The Board shall consist of five (5) members appointed by the City Council. Appointments shall be for a period of one (1), two (2), and three (3) years, respectively, so as nearly as may be to provide for appointment of an equal number each year, thereafter each member to hold office for the full three (3) year term. The Board shall annually elect its own Chairman, Vice Chairman, and Secretary. The compensation of the appointed members of the Board shall be fixed by the City Council. All members of the Board shall be residents of the City of Auburn Hills. The members selected shall be representative of the population distribution and of the various interests present in the City.

The City Council may appoint to the Board not more than two (2) alternate members for the same term as regular members. An alternate member may be called to serve as a member of the Board in the absence of a regular member. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the Board has the same voting rights as a regular member.

SECTION 2101. MEETINGS:

All meetings of the Board shall be held at the call of the Chairman and at such times as such Board may determine. All hearings conducted by said Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall also keep records of its hearings and other official action. The Board shall have the power to subpoena and require attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

SECTION 2102. RULES OF PROCEDURE:

The Board may adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function.

SECTION 2103. APPEAL:

An appeal may be taken to the Board by any person, firm or corporation, or any officer, department, board or bureau affected by a decision of the Building Inspector. Such appeal shall be taken within such time as shall be prescribed by the Board, by general rule, by filing with the Building Inspector and with the Board a notice of appeal, specifying the ground thereof. The Building Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. No appeal of a City Council decision related to a Special Land Use Permit, Site Plan, Planned Unit Development, Rezoning, or Text Amendment shall be allowed by the Board.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board after the notice of appeal has been filed with him that by reason of facts stated in the Certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by the Board or by a Court of record application, on notice to the Building Inspector and on due course shown.

The Board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision at the hearing, either in person or by duly authorized agent or attorney.

A fee shall be paid at the time the notice of appeal is filed to the Community Development Department to the credit of the general revenue fund of the City. The fees to be charged for appeals shall be set by resolution of the City Council.

SECTION 2104. JURISDICTION:

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

1. To hear and decide on all matters referred to it upon which it is required to pass under this ordinance. The Board shall be prohibited from considering or granting a use variance request.
2. To hear and decide appeals where it is alleged there is an error of law in any order, requirements, decision or determination made by the Building Inspector in the enforcement of this Ordinance.
3. To hear and interpret the provisions of the Zoning Ordinance.
4. To hear and decide on non-use (area or dimensional) variance request. Non-use variances may be allowed by the Board only in cases where the applicant has shown there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:
 - A. Compliance with the strict letter of the ordinance would unreasonably prevent the applicant from using the property for a permitted purpose or would render conformity with the ordinance unnecessarily burdensome.
 - B. That granting the variance requested would do substantial justice to the applicant as well as to other property owners in the district or that a lesser relaxation than that relief applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
 - C. That the applicant's plight is due to the unique circumstances of the property.
 - D. That the problem is not self-created.

Where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties within the meaning of this Ordinance, the Board shall have power upon appeal in specific cases to authorize such variation or modification of the area regulations of this Ordinance with such conditions and safeguards as it may determine, as may be in harmony with the spirit of this Ordinance and so that public safety and welfare be secured and substantial justice done. Further, the Board shall have power upon appeal in specific cases to authorize such variation or modification when determined that such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.

In consideration of all appeals and all proposed variations to this Ordinance, the Board shall, before making any variation from the Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City. The concurring vote of a majority of the total membership of the Board shall be necessary to reverse any order, requirements, decision, or determination of the Building Inspector, or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision.

SECTION 2105. PUBLIC NOTIFICATION:

All applications before the Board shall require a public hearing. Notice for said hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, and the other provisions of this Section with regard to public notification.

1. Notice shall be published in the Oakland Press not less than 15 days before the date the application will be considered for approval.

2. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 1,000 feet of the property and to the occupants of all structures within 1,000 feet of the property regardless of whether the property or occupant is located in the City of Auburn Hills. The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall state all of the following:
- A. Describe the nature of the request.
 - B. Indicate the property that is the subject of the request. The notice shall include a listing 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.
 - C. State when and where the request will be considered.
 - D. Indicate when and where written comments will be received concerning the request.

SECTION 2106. APPEALS:

An appeal from a decision of the Board shall be filed with the Circuit Court within 21 days after the Board approves the minutes of its decision. The Circuit Court may affirm, reverse, or modify the decision of the Board. The Circuit Court may make other orders as justice requires.

*(Amended: 7-24-06 per Ordinance No. 781)
(Amended: 8-17-09 per Ordinance No. 821)*

ARTICLE XXII REPEAL OF PRIOR ORDINANCE

The Zoning Ordinance, Ordinance No. 282, adopted by the Township Board of the Township of Pontiac on the 19th day of November A.D., 1979, and all amendments thereto are hereby repealed insofar as they conflict with this Ordinance. The repeal of the above Ordinance and all amendments does not affect or impair any act done, offense committed or right accruing, accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

ARTICLE XXIII VESTED RIGHT

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

If a site plan or plat has been submitted for general review under the site plan review procedures of Ordinance No. 282 (the predecessor to this Ordinance) and if the zoning district provisions of this Ordinance for any particular property in question would allow the proposed use, the requirements of Sections 1700, 1804, 1805, 1806, and 1815 shall not apply so far as they are more stringent or require more than the requirements in effect at the time the site plan or plat was submitted for general review. All other requirements of this Ordinance shall be in effect and followed from and after the effective date of this Ordinance.

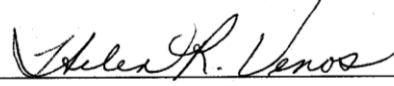
ARTICLE XXIV SEVERANCE CLAUSE

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

ARTICLE XXV ADOPTION AND EFFECTIVE DATE

This Ordinance, which specifically includes the Official Zoning Map which is attached hereto, is hereby adopted on this 16th day of December, 1985 and this Ordinance shall become effective pursuant to the provisions of Section 4 of Act 207 of the Public Acts of 1921, as amended.

I, HELEN R. VENOS, CLERK OF THE CITY OF AUBURN HILLS, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF ORDINANCE NO. 372, KNOWN AS THE CITY OF AUBURN HILLS ZONING ORDINANCE ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE 16TH DAY OF DECEMBER 1985. EFFECTIVE DATE OF THIS ORDINANCE IS DECEMBER 19, 1985.



Helen R. Venos, City Clerk
City of Auburn Hills

1. Notice of Public Hearing on Tentative Report: November 14, 1985
2. Public Hearing: December 5, 1985
3. Transmittal of Final Report to City Council: December 5, 1985
4. Adoption by City Council: December 16, 1985
5. Effective Date: December 19, 1985
6. Publication of Adoption & Effective Date: December 19, 1985